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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republic against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 14 February 1946, 1000-1300, Lord Justice Lawrence presiding.

THE PRESIDENT: I have an announcement to make which concerns the Defendants Counsel. The Tribunal will sit in open session on Saturday morning at 10 o'clock to hear the application of the Defendants Counsel for an adjournment. They will hear one counsel on either side, that is to say, one counsel for the Prosecution and one counsel for the Defense, for 15 minutes. After that open session the Tribunal will adjourn into closed session upon procedural matters.

COLONEL POKROVSKY: Yesterday I referred to four photographs which were submitted to the Tribunal. These photographs showed the camp of prisoners of war. I beg to excuse myself that we could not show the other photographs to the Tribunal, one of which shows the distribution of food and the second how hungry Soviet prisoners of war search and eat fodder for cattle. I now submit these original photographs as USSR Exhibit 358 and 359.

An examination of exhumed bodies confirmed that in the "Gross-Lazaret" of Slavouta the commandant and guards of the camp repeatedly applied refined forms of torture. Amongst the bodies on whom autopsies had been performed and those which had been exhumed, the medical-legal examination discovered four bodies of prisoners of war who had been murdered with cold steel weapons, with bayonet head wounds penetrating the region of the skull. You will find this part on page 159 of the document.

The Hitlerites compelled the sick and the wounded, despite their extreme debility and exhaustion, to carry out physical work entirely beyond their strength. The exhausted and fallen prisoners of war were killed on the spot by the military escort. According to Milevsky, the Catholic priest of the town of Slavouta, the road along which the prisoners went to work and back again came to be marked by little grave mounds, as by milestones.

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The fascist fanatics did not always have the patience to wait for the actual death of some one or other prisoner of war, and they buried persons alive.

I quote a document which I have already submitted to the Tribunal, on page 153 of your file of documents:

"A considerable quantity of grains of sand was found in the respiratory tracts of the corpses of four prisoners, reaching to the smallest bronchial tubes, and since the sand could have penetrated so far only if respiration took place underground, under the sand, the legal-medical experts stablished that at "Gross-Lazaret" the guards of the Kommandantur, with the knowledge of the German doctors, buried the Soviet citizens alive."

Prisoners of war Yankin, one of the former inmates of the "Gross-Lazaret", knew of a case when in February 1943 an unconscious patient was brought to the morgue. He recovered consciousness in the morgue, but when it was reported to the Barrack Chief that a live man had been taken to the morgue, he ordered him to be left there, and the sick man was buried alive.

Some war prisoners could not endure the unbearable regime, and in spite of enormous risk tried to organize escapes both individually and in groups. These martyrs, having escaped from the hell of the hospital, sought shelter in the local population of Slavouta and the surrounding villages. The Hitler blackguards mercilessly shot anyone who gave any kind of assistance to a fugitive.

The town of Slavouta was part of the Shepotov province. On the 15th of January, 1942, the Shepotov Gebiets-Kommissar, Dr. Worbs, issued a special order. This order specified that if the people directly responsible for helping the escaped prisoners were not found, ten hostages would be shot in each case. Father Zhukovsky reported that 26 peaceful citizens were arrested and shot for helping the prisoners of war to escape. The medical examination of the 525 prisoners liberated from the "Gross-Lazaret" revealed that 435 suffered from extreme infection, 59 had secondary infected wounds, while 31 were the victims of neuro-psychiatric disturbances.

The commission notes, and I quote the penultimate paragraph of the left column on page 5 of the document. In your file it is on page 154 of your file of documents?

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"During the two years that Slavouta was occupied, the Hitlerites, with the participation of the German doctors Borbe, Schtur and other medical assistants, exterminated about 150,000 Red Army officers and men."

The German fascist executionsrs were quite aware of the enormity of their crimes and wished to conceal all traces of the atrocities committed. They especially endeavored to camouflage the burial sites of the Soviet prisoners of war. For instance, on the cross of Grave No. 623, 8 names only of persons buried were indicated, whereas 32 bodies were actually found upon the excavation of that grave. Such was also the case upon the excavation of Grave No. 624.

In other graves, layers of earth were placed between several rows of corpses. Fir instance, ten bodies were found in Grave No. 625. When a layer of earth 10 centimeters thick had been removed, two further rows of corpses were found on the same grave, and such was the case at the excavation of Grave No. 627 and 628.

Numerous graves were camouflaged with flowers, trees, plants, paths, etc., but no disguise exists which can ever hide the bloody crimes committed by the Hitlerite miscreants.

If I am not mistaken, a case exists when one of the participants in this trial, evidently forgetting where and in what circumstances he was placed, wished to keep within the limits of the German law was, of course, rejected. At the present I am fully able to submit to the Tribunal documents which, in my opinion, are of imprtance in our case, although they are compiled in complete accordance with the rules laid down by the German law.

Among the numerous documents found in the Police archives of the town of Djitomir, Red Army troops seized a certain piece of correspondence. This is a policy inquiry. The authors of this document could not foretell that it would be read into the record at the session of the International Military Tribunal for punishment of the mamor war criminals.

The documents constituting this correspondence were intended exclusively for the chefs of police, and they were compiled in accordance with all the requirements of German law and of the police investigations of fascist Germany. From this point of view, those who would like to examine the documentation can be quite satisfied.

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At the same time, this correspondence is useful to us as well. So much is said in the comparatively small quantity of pages that I should have to analyze the documentation in several sections, in order that you could appreciate it fully and from every angle. I submit this correspondence to you both in the German photostat and in the Russian translation. I repeat -- this is a police inquiry. This document is submitted to the Tribunal as USSR Exhibit 311, and we have asked for the original copy, which we may receive from Moscow today, in accordance with the wish of the Tribunal.

On the 24th of December, 1942, 78 prisoners of war from the Berdichov Educational Labor Camp were to be subjected to special treatment. All the 78 prisoners were Soviet citizens. In the correspondence there is a report to the authorities by the Obersturmfuehrer Kunze, of 27 December 1942. You will find this on page 170. At the end of the first abstract there is a sentence which has been marked with a red pencil to facilitate your reading. It says:

"In this particular case there has been no evidence regarding any communistic activity of these war prisoners during the existence of the Soviet Government."

Kunze's next sentence makes perfectly clear the question of how and why these war prisoners got into the educational labor camp. He states:

"It seems that the military authorities have left the prisoners of war at the disposal of the local section in order to submit them to the special-regime treatment."

We became convinced that they were directed to this camp by the military authorities. The specialist, who in this case was doubtlessly Obersturmfuehrer SS Kunze, states that they were sent here specially so that they could become objects of the special regime treatment.

In order to shorten this very abundant documentation, I will now say no more than that 78 people were the remnants of a large group. Sturmscharfuehrer SS Fried Knopp reports --this is at page 163 of the document book:

"Some of the prisoners of war were sent away on a lorry somewhere nearby."

Later on further transportation of war prisoners was stopped, following objections coming from the army. Somewhat later I shall be more explicit concerning the nature of these transfers and objections raised by the army.

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Permit me now to pass over to a circumstantial description of the core of the matter. It appears to be more useful to describe it in the words of one of the documents. I quote:

"Commander of the Security Police and SD in Djitomir:

Berdichov

24 December 1942

"When called upon to appear SS Sturmbannfuehrer and Kripo Obersekretaer Friederich Knopp replied: He was born on the 18th of January, 1897, in Neuklints, district of Kessling. Friederich Knopp testified as follows:

"As from the middle of August I was the leader of the Berdichov Section of the Security Police Command and SD in the town of Djitomir. On the 23rd of December, 1942, the Deputy Commander, Hauptsturmbannfuehrer of the SS Kallbach, surveyed the local section of the educational labor camp of the department entrusted to my supervision. In this educational labor camp, from the end of October or the beginning of November there were 78 former prisoners of war who, in their time, had been transferred from the permanent camp in Djitomir as being incapable of work. A considerable number of prisoner of war in the past had been handed over and placed at the disposal of the Commander of the Security Police and SD."

I think there is no necessity to explain in detail that the transfer of the prisoners of war and placing them at the disposal of the Security Police had been provided for by special SS directives and of the SD, especially in connection with persons condemned to physical annihilation.

I quote further; same page --163:

"Of their number in Djitomir, a few had been set aside who, to a certain point, were capable of working. The remaining 78 persons were transferred to the local aducational labor camp."

I omit two extracts.

"The 78 prisoners of war in the local camp were exclusively severely wounded prisoners. Some lacked both legs; others had lost both their hands; others again had lost one or the other of their limbs. Only a few of them were not wounded in the limbs, but they were so mutilated by other kinds of wounds that they were auite unable to work. The latter had to assist the former.

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"During the survey of the educational labor camp by SS Hauptsturmbannfuehrer Kallbach on the 23rd of December, 1942, the latter gave the order that those who had survived the death of the 68 or 70 prisoners of war should this very day be subjected to special treatment. For this purpose he handed over a motor truck with an SS chauffeur from the command administration, who arrived here today at 11:30 a.m. The prepation for the execution I entrusted early this morning to my colleague in the local administration, SS Unterscharfuehrer Vollbrecht."

I will skip a few further extracts which are printed, in order to shorten the statement. They describe how the execution was prepared. One point is of importance, however:

Usually the execution was done in the precincts of the camp.

"For this execution I have orders to choose a spot outside the camp. Of the three above-mentioned persons, whom I have

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entrusted with the shooting of prisoners of war, I know that when they were in Kiev they had taken part in mass executions of many thousands of persons, and that in the local administration during my sojourn there they had already been entrusted with the shooting of many hundreds of victims."

I would like to point out to you one more instance, showing once again the meaning the Hitlerites usually put on the words "execution" and "special regime" treatment. Here, in only one sentence, the terms "mass execution" and "shooting" are used as precisely equal, and a little above it became clear what "transportation by trucks somewhere nearby" and "special regime treatment" mean. Without any doubt, these four terms have an identical meaning.

After this interruption, I continue my quotation:

"They were armed" -- I am speaking of the German executioners -- "with German sub-machine guns, Russian automatic gun CB, a pistol and a carbine. I must point out thatI intended to give these three persons, as a help, SS Hauptscharfuehrer Wensel, but SS Sturmann Vollbrecht declined, remarking that three of them were quite able to carry out this order."

"Concerning the Indictment:

"I did not think it wasnecessary to send a larger detachment to do the work of a usual execution, as the place of execution was hidden from outside glances, and the prisoners were --

THE PRESIDENT: Those words "concerning the Indictment", are they in the original document?

COL. POKROVSKY: It is a text of explanation of this evidence which is given by the signatory of this report. I am quoting original German documents. The persons responsible for the execution were accused of having provoked an incident, and that is how they are explaining this incident:

"Concerning the Indictment:

"I did not think it was necessary to send a larger detachment to do the work of a usual execution, as the place of execution was hidden from outside glances, and the prisoners were unable to escape on account of their physical shortcomings.

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"Around 15 o'clock, I was telephoned from the permament camp that one of my co-workers was injured and that another had run away. Immediately I sent SS Hauptscharfuehrer Wensel and SS Oberscharfuehrer Frich to the place of execution in a horse-cart. After a certain time they telephoned me again from the permanent camp to tell me that two co-workers of my section werekilled."

I think it is unnecessary to talk about a few purely technical details, and I skip here a few sentences, even those extracts which I wanted to quotepreviously, and I skip to the last part of the statement. You will find that part on page 166:

"I would like to point out that the above-mentioned incident took place during the second execution. The shooting of about 20 prisoners that took place earlier was carried out without any incident. As soon as I came back, I reported this incident by telephone to the commaning officer in Djitomir.

"It is all I can testify. I declare that my testimony is entirely true and I knw that for false testimony I will be punished and expelled from the SS.

"Signed: Fritz Knopp, SS Schturmanscharfuehrer.

"Countersigned: Kunze, SS Obersturmbannfuehrer."

The hangman was interrogated next. On this matter we have at our disposal the following document. You will find that extract on page 166 of your file of documents. I quote the minutes of the inquest:

"Then we summoned the SS Rottenfuehrer Gesselbach Friedrich, born 24 January 1909, a native of Feidingen, district Vitgenstein (Westphalia, and gave the following testimony:

"I was informed about the subject of the forthcoming interrogation. I was informed that in the case of false statements I will be subject to a punishment and expelled from SS."

After this usual formal part of investigation, and being warned about the penalities expecting him, -- Gesselbach gave on the subject the following testimony:

"Yesterday evening I was told by SS Scharfuehrer Paal that today I have to take part in the execution of prisoners of war. Lateron, I re-

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ceived also a corresponding order concerning the matter from Hauptscharfuehrer Venzel in the presance of SS Sturmscharfuehrer Knopp. This morning at 8 A.M., SS Hauptscharfuehrer Berger, SS Unterscharfuehrer Paal, SS Sturmbannfuehrer Vollbrech and myself, together with 8 inmates from our prison, arrived in a car taken from the tannery and driven by a Ukrainian driver, to a place situated approximately one and onehalf kilometers behind the camp, in order to dig a grave."

He describes later how they dug the grave. I think that we can skip that part. Then they returned to the entrance of the camp. Vollbrecht, upon the order of Paal, left the car.

"When giving this order Paal had in view to conceal ourintentions from the prisoners and not to arouse any suspicions by the presence of a large number of SS men in the camp. That is why only Paal, myself, and a few militia men were loading the prisoners on the car. Upon Paal's order, the whole first group consisted, almost without any exception, of the prisoners who had no legs or feet."

I skip a few extracts which have no interest to the Tribunal, and I quote the sixth page of the Russian translation, which is marked on page 168 of your file of documents:

"After having executed the first three prisoners I suddenly heard shouting from above. As the fourth prisoner was already on the spot I quickly killed him, and looking upwards, saw that there was a great confusionnear the truck. Even before I had heard some shooting and now I saw the prisoners running away in all directions. I cannot give any details as to what actually happened because I was at the distance of about 40-50 meters from the place. I can say only that I saw two of my comrades lying on the ground, andtwo prisoners shooting at me and the driver with weapons they got hold of. When I realized what was happening, I fired a fourth cartridge left in my magazine at the prisoners who were shooting at us, put in a new clip, and noticed suddenly that a bullet hit right next to me. I had the feeling as if I was hit, but afterwards I realized that I had been wrong. I explain thatnow as a nervous shock. Anyhow, I was firing out the cartridges of my second clip, shooting after the fugitives, though I cannot tell whether I hit any of them or not."

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I can inform you that the last part of Gesselbach's testimony concerns the subject of organizing the search for the dispersed cripples, which gave no results.

Finally, I will quote a few excerpts from the document which is the last one in the correspondence. This is a latter-report of Obersturmfuehrer SS Kunze. It concludes with the statement that the funeral of the killed SS men took place at the police and SS heroes' cemetery in Hegewalde at 2 p.m. It seems to me that this detail is of some interest. I will quote now the first part of the mentioned report. I will skip the first report, which is already printed in your file, in order to shorten the duration of my statement. He reports that 78 people were supposed to be killed after the inspection of the camp.

"Because of their inability to work these prisoners of war were a considerable burden to the camp. For this reason, the SS Hauptsturmfuehrer Kalbach ordered the execution of the former prisoners of war on 24 December.

"Neither in the central office nor in the branch office could one ascertain the reasons for which the former commandant accepted these crippled prisoners and sent them to the reformatory labor camp. In this case there did not exist any information concerning the communistic activity of mentioned prisoners during the whole period of the Soviet regime. Evidently the military authorities put these prisoners of war at the disposal of the local branch in order to submit them to a special regime, because, dur to their physical condition, they could not be used for any work.

"Thus, the SS Hauptsturmfuehrer Kalbach ordered the execution for 24 December at 17 hours. The Chief of the Bordichev's branch, the SS Sturmscharfuehrer Knopp, informed by 'phone that, while carrying out the appointed special-regime operation, the two officials of the branch, SS Unterscharfuehrer Paal and the SS Sturmann Folbrecht, were assaulted by the prisoners and killed with their own arms."

I will now omit a considerable part of the SS-Obersturmfuehere Kuntze's chatter and will quote only three more paragraphs. You will find them on pages 172 and 173 of your file:

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"In this way, of the twenty eight prisoners, four were shot in the grave, two while escaping, and the remaining twenty-two managed to escape. The measures for the capture of the fugitives, which were immediately undertaken by the SS Rotenfuehrer Hesselbach, with the help of the guards from the neighboring Stalag, were opportune but unsuccessful. The Chief of the Berdichev's department ordered an immediate search for the fugitives, and informed all the police and military agencies. However, the names of the fugitives are unknown and this fact will make the search difficult. The records have the names of all prisoners who are under special regime, and so it was necessary to declare as escaped even those who were already shot.

"On 25 December, on the same spot, a special-regime (execution of the 20 remaining former prisoners) was carried out under my direction. Because of the possibility that the fugitives had already established contact with some partisan unit, I ordered that the Stalag was to send once more a detachment of 20 men, armed with light machine guns, and carbines, for the guarding of the approaches. The execution was carried out without any incidents.

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You have only to imagine how these unfortunate, harmless people, escorted by guards--men armed with light machine guns and weapons--were driven to their death. I continue.

"As a reprisal I ordered the gendarmerie to check up on all prisoners of war brought in several convoys into the adjoining regions in order to ascertain their political activity under the Soviet rule, and in order to select out of their ranks twenty of the most active in the political field and members of the Communist party so that they would be subjected to the most severe regime."

To conclude presentation of the evidence pertaining to this monstrous crime of the Hitlerties, I wish to draw the attention of the Tribunal to several facts.

First of all I want to refer to the "objections of the army, which were reported by the SS man Knopp. Knopp said: -- you will find that on Page 163 -

"In future there will be no further shipments of prisoners of war, in compliance with the objections of the Army. I don't want to have my words misunderstood. The Army did not so much object to such shipments; it rather expressed the wish that the prisoners of war, after having been separated into convoys and sent to some destination, should immediately receive some shelter."

What "shelter" heis talking about is not hard to guess. That is the "shelter" to which, in the words of Knopp, "they were transported in trucks some place near."

The second factor, which to me appears highly important, is the scale of the outrages. Referring to the executioners -- Paal, Hesselbach, and Folbrecht, Knopp writes:

"In reference to the three above-mentioned persons to whom I entrusted shooting of prisoners of war, I knew that, while still in Kiev, they had participated in mass executions of many thousands of people. And in the local administration, at the time of my presence here, they were entrusted with shooting of many hundreds of people."

In reference to Hesselbach, I would like to note two, perhaps not very important, but very characteristic features. The first is his terminology. Here are his words:

"I suddenly heard shouts from above after I have shot the first three prisoners. As it was the turn of the fourth, I bumped him off quick."

Any bandit and habitual murderer would evidently use such language, speaking about destroying a man. For the Fascist executioners, the murder of a soldier who fought honestly for his country and became an invalid, the short word "bump off" is good enough; the executioners do not consider it necessary even to find out who they are really murdering. Thanks to this, occurs a scandalous confusion among the police. Theyorder to search both for those who were shot and those who escaped.

Secondly, the sound alone of a bullet which passes near by gives him a sensation of being wounded, and people of this type are called by their superiors, 'heroes.'

"It would be an omission on my part not to underline the exceptional brutality shown by Kuntze, -- this typical representative of SS. Twenty persons captured at random and without any fault on their part were to be murdered. What for? Only because twenty two armless and legless invalids escaped death."

The Tribunal, of course, is quite aware of the fact that by all laws of God and man these twenty two invalids should not perish in the hands of the executioners, but should be under the protective guard of the German Government as war prisoners.

The confession of Kuntze, concerning the motivesfor which the military authorities directed invalids to the camp for the "special regime treatment," is of special value. He states frankly that the cause of it was their physical condition, which made it impossible to use them for any work.

In this connection I submit to the Tribunal several documents. They will show that only from the angle of receiving slaves the representatives of German Command and German authorities were interested sometimes about war prisoners. You have in your possession a circular of the High Command of the Armed Forces that the Soviet war prisoners must be branded, and that this branding is not considered a medical measure. I am submitting to you another such shameful document. It bears the following identifying marks: "AS2F 2 482 N Commander of war prisoners camps. # 3142/42 Berlin, Schoeneberg, 20.7.1942, 51, Badensche Strasse." This document is USSR Exhibit 343. I will not read it in full. It resembles those which I have already read into the record.

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How far the Hitlerite conspirators have abandoned the thesis which has been recognized by the German General Staff that: "A state can do everything which might be necessary to hold the war prisoners, but nothing more."

Merciless hard labor regime, continuous conveyor of insults and tortures, forced Soviet people to such manifestation of despair, as attacks on camp guards armed to the teeth. We know about such really heroic acts. The testimonies of eye witnesses are in our hands. I am submitting to you personal testimony of the witness Lamp as USSR Exhibit 315. Some parts of these testimonies are mentioned in your report. These witnesses reported that in the beginning of February 1945, in the extermination camp of Mauthausen, eight hundred war prisoners of the Red Army interned there escaped from the Fascist hell after disarming the guards and breaking the barbed wire, through which there passed electric current. Lamp testifies how brutally the SS were treating those whom they could catch. I am quoting several lines:

"All those who returned to the camp were brutally tortured. Then ~~we~~ we saw the escaped prisoners, who were being brought back to block No. 20. (I wish to interpolate that Block 20 was the death block.) They had been beaten, and one was covered with blood. They were followed by ten SS, amidst whom were three or four officers. They carried whips and were loudly laughing, giving the impression of enjoying the sight of the tortures they were going to inflict upon the three unfortunates. The courage of the insurgents and the cruelty of the repression will be everlastingly remembered by all the Mathausen inmates."

The Fascist conspirators behaved with equal hatred toward all Soviet natives. The slightest discussions arising amongst them were always a method of anihilating their victims. Some strove to kill off prisoners immediately; others considered it wise to use up their blood and strength in industrial plants, factories, military work shops, so on.

Any long war is responsible for the shortage of labor in industry, and agriculture. Fascist-Germany solved this problem by importing white female and male slaves. The greatest number of them were war prisoners. They were sent to heavy labor, where perished masses from exhaustion, overwork, hunger, and brutal treatment.

I submit to the Tribunal Document No. 1117-PS, and quote the following three paragraphs:

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"In order to fulfill the iron-steel industry program, and to assure the demands of the coal industry, the Fuehrer issued the command, dated the 7th of July to utilize the war prisoners to this end."

I am skipping several sentences from this document and quote point two:

"2. All Soviet war prisoners taken since the 5th of July 1943 should be sent from the OKW camps to the General Plenipotentiary For The Utilization of Labor, in order that the latter might use them, in the first instance, in the coal mining industry."

The fourth point is of special interest. It contains a directive on how to convert all men between the ages of 16 and 55 into prisoners of war.

I quote point four:

"4. All those between the ages of 16 and 55, captured in battles with the partisans in the operational area of the Army of the Eastern Commissariats, in the Government-General, and in the Balkans, are to be regarded as prisoners of war. The same applies to men in the newly occupied districts of the East. They must be sent to the prisoners of war camps and thence to work in Germany."

The second document is No. 744-PS, issued by the Chief of the OKW on the 8th of July 1943, repeats this directive. The document is signed by Keitel. In the text of the document signed by Keitel there is a post script. It is addressed to all the higher authorities of the SS and is signed by Himmler. The text was already read into the record on the 20th of December 1945, therefore I shall here refer only to the contents. It concerned transportation of children, of the aged, and of the young women. Himmler indicates how and by what methods they should be sent to Germany through Saukel's organization. In this case also, Himmler, Keitel, and Saukel act in perfect agreement, almost as one person.

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I consider the document No. 022-PS to be of primary importance. It is a report on the prison camp in Minsk. The report was compiled in Rosenberg's office on the 10th of July 1941.

THE PRESIDENT: Has it been put in already?

COLONEL POKROVSKY: This document was not yet read into the record. I quote page 183.

"The prison camp in Minsk accommodates about 100,000 prisoners of war and 40,000 civilian prisoners locked up in a space of about the size of the Wilhelmplatz. The prisoners who are crowded together in this small space can hardly move, and are therefore forced to relieve themselves at the very place where they stand. The camp is guarded by a detail of soldiers on active duty, of company strength. Due to the small strength of the guard detail, the watch over the camp can only be accomplished by applying brutal force."

I skip a paragraph and turn to the page which expounds the same idea:

"The only possible language for the small guard detail, which is on duty day and night without any relief is the firearm, of which ruthless use is being made".

Next, the authors of this document complain about the impossibility to accomplish the selection of prisoners in physical and racial respects for various hard labor tasks. On the second day after the beginning of such selection, this measure was forbidden.

"Reference being made to an order of General Field Marshal Kluge, according to which he himself had only the right to release civilian prisoners."

I shall read two documents demonstrating how the Hitlerites, in their hate of the Soviet People, considered the regime of beastial cruelty and systematic insults which they established for the Soviet prisoners of war to be too mild, and demanded that it be made still more severe.

On the 29th of January 1943 an order was issued on the "Rights of Self-Defense Against the Prisoners of War," under the signature of the Chief of the OKH. This document bears the number 3868/42, and is registered by the USA Delegation as Exhibit No. 696-PS. We submit it to the Tribunal under

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No. 355, and it has not been read into the record. I shall read a few short extracts from this document. It is on page 145 in your document file. It starts as follows:

"The military authorities and the authorities of the National-Socialist Party have on numerous occasions raised the question of the treatment of the prisoners of war, and they are of the opinion that the punishments made possible by the 1929 Agreement are inadequate".

This document explains that the former agreement regarding the treatment of all prisoners of war remains in force, but not to those of Soviet nationality. The order issued by the OKW Section for the Prisoner-of-War Affairs determines the treatment of these latter. This order was issued on the 24th of March 1942.

The second document is the circular of the Nazi Party Bureau submitted as No. 12/43s. This circular was issued by the Chief of the Party Bureau, at the Fuehrer's main headquarters, on the 12th of December 1943.

The circular was sent out by the Reichsfuehrer to the Gauleiters and to the Commanding Officers of Military Units. It speaks of the secret order No. 3868/42s of the Chief of the General Staff, and thus it is once more proved, and proved without any doubt, that the leaders of the Nazi Party and the Military Command bear equal responsibility for the ill-treatment of the Soviet prisoners of war.

The Navy Regulations with regard to prisoners of war remain in force for all but the Soviet prisoners.

"The regulations of the OKW Section for Prisoners of War #389/42-c of 24-III-1942 are in force".

Thus regarding this subject there is full identity between the leaders of the Party and the OKW.

I stress this point, and I remind you that all this happened in the country whose representatives already in 1902 declared:

"That the only purpose in taking prisoners of war is to prevent their taking further part in the war. Although prisoners of war lose their freedom, they do not lose their rights.

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THE PRESIDENT: Colonel Pokrovsky, we had that order read to us more than once.

COLONEL POKROVSKY: I am not repeating this document; I am only recalling the contents of this document.

THE PRESIDENT: I think you must give the Tribunal credit for some recollection. As I say, that document has been read more than once before.

We have at our disposal an official note signed by Lammers. This document is registered under No. 073-PS. We submit it to the Tribunal as USSR Exhibit--it has not yet been read into the record. The document states--you will find this extract on page 119 of your file.

"Prisoners of war are foreigners. The influencing of them is, therefore, the task of the field of Foreign politics and of foreign propaganda. The exception to this rule is the Soviet prisoners who are put under or subordinated to the Reichs Minister for Occupied Regions in the East, because the Geneva Convention is not valid for them, and they are in a special political position.

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In connection with this, I wish to submit to you as USSR Exhibit 366 another document. These are the notes composed at the Headquarters of the Foreign Counter-espionage Office on the 15th of November 1941 for the "OKW Chief-of-Staff." I will quote a few extracts, which you will find on page 192 of your file of documents.

"The Geneva Convention, regarding prisoners of war, does not apply to Germany and the USSR. Therefore, the only rules in force are the basic assumptions of International Law regarding dealings with prisoners of war. In the 18th century these latter tended to state that military captivity represented neither revenge nor punishment, but is a security measure whose only objective was the prevention of the prisoners of war further participating in the war. This basic assumption developed in connection with the prevalent opinion that from the military point of view the killing or the crippling of the prisoners was inadmissible. Besides, each commanding officer is interested in the assurance that in case of capture his own soldiers be protected against ill-treatment.

"The document including Appendix I of the order concerning the treatment of Soviet prisoners of war derives from quite different assumptions."

I shall omit several sentences and will quote the end of the paragraph.

"This extends to several other features which previously were considered necessary not only from a military point of view and which are obligatory in order to maintain the military discipline in one's own troops."

The orders are stated in very general words. However, in view of the assumed basic orientation, it is clear that the measures permitted by these orders were bound to result in wanton murder even though officially wanton behaviour was prohibited.

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The above is obvious from the rule regarding the use of weapons by the guards and their commanding officers on those recalcitrant prisoners whose language the guards could not understand. Whether the prisoners' disobedience came from recalcitrance or from misunderstanding quite obviously can never be determined. The fact that the basic directive justified the use of arms against the Soviet prisoners of war freed, as a rule, the guards from having the obligation to explain their behavior.

Omitting two paragraphs not directly relating to this matter, I proceed as follows:

"The organization of the military police equipped with clubs, whips, and similar weapons, even in camps where all labor is done by the prisoners, is against military rule and tradition. Besides, by this measure the military authorities are transferring into other hands the power of applying punishment without providing for the check-up as to how this power is used."

I wish to quote one more sentence taken from paragraph five of these notes:

"Appendix II contains translation of the Russian Law regarding prisoners of war which is in accord with the basic principles of International Law as well as with the rules of the Geneva Convention".

I will refrain from quoting the rest of the document as it is of little interest. This document is signed by the Chief of the Foreign Counter-Intelligence Service, Canaris. It includes directives containing instructions on the treatment of the Soviet war prisoners, dwelling in detail on those parts which Canaris considered violations of the basic principles of International Law and of the Geneva Convention.

I would like to supplement this document with a few excerpts from the record of the testimony by Dr. Wengler, formerly counsellor of the Foreign Juridical Section of the OKW. This document is USSR Exhibit No. 129. Wengler was questioned by me on the 19th of December 1945, and his testimony is important for purposes of evaluating the line of conduct of both the OKW -

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DR. NELTE (Counsel for defendant Keitel): Mr. President, I ask that the document, USSR Exhibit No. 129, which just quoted, or rather intended to be read, should not be read, but that the witness mentioned in this document, Dr. Wengler, be called personally to testify in court, if the Soviet Prosecution is willing.

This document, USSR-129, is a record of an interrogation of Dr. Wengler, who was active in counter-intelligence in the OKW. We are concerned with the question of whether the general conduct in connection with the Soviet Union and Keitel and the OKW--whether there was a fault on the part of the German Government or this section.

I do not need to state that the clarification of this question is of the utmost significance to the persons involved; not only because of the counts in the Indictment, but because of the connection with the German people if the testimony as given by this witness is true.

The witness is in Nurnberg, and he was interrogated on the 19th of December 1945. Whether he is still here in Nurnberg or whether he is now at Berlin, and whether he mentioned anything about his whereabouts at that time, I don't know. But I do believe that any decision to be rendered by the High Tribunal in connection with Article XXI of the Charter will justify my request in this respect.

First of all, for the calling of witnesses from Berlin there are no great difficulties connected and, secondly, we are concerned with a question of such tremendous significance, especially in this application, that the personal testimony and interrogation by this Tribunal should not be excluded by the use of a written statement.

THE PRESIDENT: Have you anything you wish to say in answer to that objection?

COLONEL POKROVSKY: If you will allow me. First of all, I would like to just ask where the witness is at the present time. He is not in Nurnberg. He was brought here especially for this examination under greatest difficulties. This examination was conducted according to all the rules of our proceedings in order that this document could be submitted to the Tribunal and accepted

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as evidence, if the Tribunal so judges, according to Article XIX of the Charter. All the problems which concern this subject, which interested the Soviet Prosecution, are already sufficiently clear following the document which we submit to you.

I see no possibility for having this witness brought here in the near future. Maybe the representatives of the defense counsel will say that it is very easy to bring this witness, but I do not see any technical possibility of bringing this witness here for the second time. And if the Tribunal does not consider it possible to accept this document, we are agreed even to refrain from submitting this document and replacing it by other evidence. We do not consider it possible to bring the witness a second time, I fear. That is all I have to say upon this subject.

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THE PRESIDENT: Did you say that you couldn't bring the witness here, and that as you could not bring him here you would not press the introduction of the document?

COLONEL POKROVSKY: I said something different; that we insist that this document be added considering that the Tribunal has the right, according to Article XIX of the Charter, to accept this document as evidence. But if we are to choose between two possibilities, -- adding this evidence to the record or calling up the witness a second time -- the technical obstacles which prevent us doing so would compel us to accept the exclusion of this document from the record. We consider that the document is quite rightly compilated, according to all the rules of the Charter, and that the Tribunal should receive this document as evidence, according to Article XIX of the Charter.

THE PRESIDENT: The Tribunal would like to know first of all why is it difficult or impossible to bring the witness to Nurnberg in the same way that he was brought to Nurnberg in December 1945; and secondly, has Dr. Nelte and have the other defendants' counsel got full copies in German of the document?

COLONEL POKROVSKY: Dr. Wengler was examined in German. The original of his record, of his examination, having been submitted to the Tribunal in an adequate number of copies, are at the disposal of the defense counsel.

As regards the technical difficulties, I can not now

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precisely prescribe to the Tribunal all the technical reasons of which I was told by my collaborators; but I know they have warned me that hey did manage to do that once, but that they could not do that a second time. Dr. Sengler is free; is at liberty. He was in Nurnberg not one but several days; sufficient time in order to allow us to find out details of this question.

In view precisely of the possibility of calling him for second time--

THE PRESIDENT: The Tribunal would like to know where the deponent, the witness, was brought from when he was brought to Nurnbert.

COLONELPOKROVSKY: From Berl . He was brought last time from Berlin.

THE PRESIDENT: Then he is in Berlin?

COLONEL POKROVSKY: I can not answer to this question at present. At any rate, he is at liberty; he is not interned.

THE PRESIDENT: Now, Dr. Nelte, do you want to say anything?

DR. NELTE: I only wanted to point to the last page where the signature is mentioned and his address is given as Berlin, Ringstrasse No. 32. We are simply concerned with the question: Which technical difficulties are involved to recall this witness from Berlin to Nurnberg a second time? Of course, I do not know whether the witness is in Berlin, but I assume that he is there.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken)

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THE PRESIDENT: The Tribunal will allow the deposition to be put in evidence, should the Soviet prosecutor decide to do so. If the document is put in evidence, the Tribunal will desire that the prosecutor should secure the attendance of the deponent as a witness for cross examination. If the prosecution are unable to secure the attendance of the deponent as a witness, then the Tribunal will itself attempt to secure the attendance of the deponent as a witness for cross examination.

COLONEL POKROVSKY: I can report to the Tribunal that I spent the time which the Tribunal spent in discussing this problem in finding out whether we can bring this witness to the box. Accordingly, I will skip the topic of his cross examination and will refer to it again if I find out that we cannot bring the witness to this court.

Will that be in accordance with the wishes of the Tribunal?

THE PRESIDENT: Colonel Pokrovsky, I am not quite sure that you appreciated quite what I said. What I said was that you are at liberty to put in the document now, if you wish to do so. That is one thing. But, if you do so, you must attempt to secure the attendance of the witness, and should you fail to do so, the Tribunal will attempt to secure the attendance of the witness, but the document will still be in evidence and will not be struck out, although, of course, it will be open to the criticism that it is only a deposition or an affidavit and that the witness has not been produced for cross examination and therefore the weight that attaches to the testimony will not be so great as it would be if the witness had been produced for cross examination.

Is that clear?

COLONEL POKROVSKY: Yes.

THE PRESIDENT: I fear I used inaccurately the word "affidavit". It is only an interrogation. It is not made upon oath, and that, of course, will be taken into consideration. But the point is that you can put in the document now if you decide to do so. That is a matter for your discretion. If you do so, you must attempt to secure the attendance of the witness for cross examination. If you are unable to get him, then the Tribunal will attempt to get him here for cross examination.

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COLONEL POKROVSKY: I report to the Tribunal that the measures which we undertook were because I understood that the Tribunal considered it better that this witness be called to court for further examination. That is why I have already attempted to find out whether we can call up this witness now, and as I have not yet received a definite answer from our organisms, I wish to submit to the attention of the Tribunal that we will simply not mention this protocol now, since we only need it for the confirmation of one point, which is already confirmed by documents which have just been presented to the Tribunal. This is the report of Admiral Canaris. The sense of the examination of Jengler is that it shows that OKW knew of the line of conduct regarding the Soviet prisoners of war. Admiral Canaris says the same thing.

THE PRESIDENT: I think you must decide, Colonel Pokrovsky, whether you wish to put in the document or not. If you wish to put in the document, you may do so, but I don't think it is right for you to state the contents of the document and at the same time not to put it in.

If you wish to put it in, you may do so. I have already added the conditions that if you do put it in, then you must try to secure the attendance of the witness, and if you can't secure the attendance, the Tribunal will try to secure it.

COLONEL POKROVSKY: I consider that the testimony of Jengler is not of such great importance that we should pay so much attention to it. I will skip the protocol. If we can find this witness, we will examine him later.

THE PRESIDENT: Very well.

COLONEL POKROVSKY: In the light of the documents read into the record, and also in view of the protest of the German prisoners of war in Camp 78, which shows how humanely the Soviet authorities treated German military prisoners of the German Army, the sentence from Appendix I of Operations Order No. 14 of the SD Chief, concerning treatment of Soviet prisoners of war, sounds like a shameless insult. This sentence can be found in paragraph 3 at page 7 of the document, USSR Exhibit No. 33. You will find it on page 104 of your file of documents:

"A Bolshevik soldier has lost his right to be treated as an honest soldier and in accordance with the rules of the Geneva Convention."

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I beg the Tribunal to recollect that in Appendix II of Order No. 11 of the General Staff of the OKW, dated 7 November 1941, there is the following directive. I quote from USSR Exhibit No. 33, extracts of which are inserted at page 103 of your file of documents, the last paragraph in the right column of page 5:

"On the sanction of the commanders of the rear areas -- that is to say, of officers in charge of prisoner of war affairs in each district -- the activity of the Sonder Command was to be conducted in a manner whereby infiltration would be practically unnoticeable, while liquidation would be fast and carried out at some distance from transient camps and transfer points so that both the population and other prisoners of war would be unaware as to what was going on."

Those are the trips of prisoners "somewhere nearby on a truck" that Kunze, the expert executioner, had in mind when he reported to his chiefs on the incident which occurred during the execution of the 28 invalided prisoners of war.

Among documents submitted to the Tribunal by the Soviet Delegation, there are data regarding the shooting, at the Seelhorst Cemetery in Hanover, of 150 Soviet prisoners of war and civilians. We submit these data as a USSR Exhibit. You will find the protocol at page 207 of your file of documents. These data have been put at our disposal by the American investigation authorities. They consist of the testimony of Peter Palnikov, a Red Army officer who happened to escape shooting, and of the testimony of other persons who were questioned under oath by American investigators. The witnesses' testimony is corroborated by the medical report on the corpses exhumed from graves at the Seelhorst Cemetery. In addition, we submit photographs properly checked and accredited.

I shall not quote all these documents, but will merely point out that the 167 corpses thus exhumed -- it was especially noted in the concluding report of the Commission that one could judge by them of the insufficient nourishment of a great number of the prisoners.

This circumstance must be stressed so that the Tribunal will have a

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completely clear picture of the food conditions of the Soviet prisoners of war in the different camps. Regardless of the fact in which territory the camp was located, hunger was applied to all Soviet war prisoners with the same systematic cruelty.

While I am thus reporting on the Hitlerian atrocities with regard to the prisoners of war, I find that there are now available several court verdicts pronounced over those fascist criminals who committed their crimes on territories which were temporarily occupied.

In accordance with Article 21 of the protocol, I submit to the Tribunal, as USSR Exhibit No. 87, the verdict of the District Military Tribunal. You will find it on pages 214, 215, and 221 of your reference file. This verdict was pronounced in Smolensk on the 19th of December, 1945. The Tribunal sentenced to varying degrees of punishment, from 12 years of hard labor to death by hanging, ten Hitlerites, directly guilty of the numerous crimes committed in the City and the District of Smolensk.

I will not quote the document, but will merely mention that on pages 4, 5, and 6 of the verdict, in places marked in your copies -- these pages 4, 5, and 6 of the verdict are in your file of documents at page 218, 219, and 220. They contain information on torture and death from blood-poisoning of the prisoners used for pseudo-scientific

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experiments by persons who, to the shame of German medicine, were called professors and doctors in Germany.

The sentence gives evidence of systematic, mass shooting of prisoners of war in Camp 126 of the City of Smolensk. Over 10,000 half-dead and exhausted prisoners were exterminated. You will find this item in point 3 of the verdict, on page 218 of your file of documents.

The sentence mentions the systematic mass shooting of prisoners of war in Camp 126 of the City of Smolensk, in the Dulag-126-South, while prisoners of war were being transported from the camp into the hospital. The sentence stresses the fact that prisoners of war unable to do any work, through inanition, were shot.

Now I would like to turn to the brutalities committed by the Hitlerites towards the members of the Czechoslovakian, Polish and Yugoslav Armies. We find, in the Indictment, that one of the most important criminal acts for which the major war criminals are responsible was the mass execution of Polish prisoners of war, shot in the Katyn Woods near Smolensk by the German Fascist usurpers.

I submit to the Tribunal, as a proof of this crime, official documents of the Special Commission for the establishment and the investigation of the circumstances which attended the executions. The Commission acted in accordance with a directive of the Extraordinary State Commission.

The Commission was composed of members besides members of the Extraordinary State Commission: Academicians Bourdenko, Alexis Tolstoy and Metropolitan Nicolas, the President of the Panslav Committee, Lieutenant General Goundorov, the Chairman of the Executive Committee of the Union of the Red Cross and Red Halfmoon, Kolesnikov, People's Commissar for Education in the RSFSR, Academician Potemkin, the Supreme Chief of the Sanitary Medical Department of the Red Army, Colonel General Smirnov, and the Chairman of the District Executive Committee of Smolensk, Melnikov. The Commission

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also included several of the best known specialists as legal-medical experts.

It would take too long to read in detail the document which I now submit to you as USSR 64, which is submitted to the Tribunal as the result of the investigation. I will cite only a few excerpts from this document. On page 2 of the document, which is page 223 in your file, we read--and this part is marked in your file:

"The legal medical experts give the total number of bodies as over 11,000. The legal medical experts carried out a thorough examination of the exhumed bodies, and the documents and belongings found on the bodies in the graves. During the exhumation and examination of the corpses, the Commission questioned many witnesses amongst the local inhabitants. Their testimony permitted the determination of the exact time and circumstances of the crimes committed by the German invaders."

I believe that I need not quote everything that the Extraordinary Commission ascertained during its investigations. I only submit to the Tribunal the general conclusions, which summarize the Committee's work. You will find the quoted lines at page 43 of USSR Exhibit 54, if you turn to the original document, or at page 254 of the file of documents.

"General Conclusions.

"With all the material at the disposal of the Special Committee, that is, depositions of more than 100 witnesses, the data of the medical-legal experts, the documents and the material evidence and belongings taken from the graves in the Katyn Woods, we can arrive at the following definite conclusions.

"1. The Polish prisoners of war imprisoned in the three camps west of Smolensk and engaged in railway construction before the war, remained there after the occupation of Smolensk by the Germans up to September 1941.

"2. In the autumn of 1941, in the Katyn Woods, the German

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occupation authorities carried out mass shootings of the Polish prisoners of war from the above-mentioned camps.

"3. Mass shootings of Polish prisoners of war in Katyn Woods were carried out by German military organizations disguised under the specific name, "Staff 537, Engineer Battalion," commanded by 1st Lieutenant Arnes and his colleagues, 1st Lieutenant Rechts and 2nd Lieutenant Hott.

"4. In connection with the deterioration, for Germany, of the general military and political set-up at the end of 1943, the German occupational powers, with a view to provoking the population, undertook a whole series of measures to ascribe their own atrocities to organizations of the Soviet authorities, and thus create a quarrel between the Russians and the Poles.

"5. For this purpose:

"a. The German Fascist invaders, either by persuasion, attempts at bribery, threats, or barbarous tortures, endeavored to find witnesses amongst the Soviet citizens from whom they obtained false testimony suggesting that the Polish prisoners of war had been shot by organizations of the Soviet authorities in the spring of 1940.

"b. The German occupational authorities, in the spring of 1943, brought from other places the bodies of Polish prisoners of war, whom they had shot, and laid them in the uncovered graves of Katyn Wood, with the dual purpose of covering up the traces of their own atrocities and of increasing the numbers of 'victims of Bolshevist atrocities in Katyn Wood.'

"c. Whilst preparing their provocative measures, the German occupational authorities employed up to 500 Russian prisoners of war for the task of digging up the graves in Katyn Wood, according to evidence and material proof on the matter. Once the graves had been dug, the Russian prisoners of war were shot by the Germans.

"6. The data of the legal and medical examination determined, without any possible doubt:

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"a. That the time of shooting was autumn 1941.

"b. The application by the German executioners, when shooting Polish prisoners of war, of the identical method, that is, a pistol shot in the back of the neck, as used by them in the mass murders of Soviet citizens in other towns, especially in Orel, Veronecz, Krasnodar, and Smolensk itself."

THE PRESIDENT: The Tribunal will now recess.

(A recess was taken until 14.00 hours.)

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants sitting at Nurnberg, Germany on 14 February 1946, 1400-1700, Lord Justice Lawrence presiding.

COL. POKROVSKY: Point 7 of the general conclusions of the Extraordinary State Commission investigating the Katyn murder states:

"The conclusions arrived at, after studying the affidavits and legal-medical examinations concerning the shooting, by Germans, of Polish military prisoners of war in the autumn of 1941, fully confirmed the material evidence discovered in the Katyn graves.

"8. By shooting the Polish prisoners of war in the Katyn wood, the German Fascist invaders consistently realized their policy of physically annihilating the Slav peoples."

Here follow the signatures of all the members of the Commission.

The Katyn massacres did not exhaust the Hitler crimes against the warriors of the Polish Army. In the report of the Polish Government, submitted by me to the Tribunal as USSR-Exhibit No. 93, we find a series of proofs of the breach of the elementary rules of international law, in connection with the customs and laws of war, on Page 36 of this Polish Government report -- in your file it is Page 285 of your document book -- we find as an outstanding point of the collected materials the ill-treatment of prisoners of war and their annihilation. It is said in the report that:

"As and when the Polish officers and other ranks returned from the German prisoner of war camps, we learned further details concerning conditions prevailing in the German camps. All these details prove the existence of an undeniable line of policy of instructions and orders concerning Polish prisoners of war. Ill-treatment, hardship and inhuman conditions were of common occurrence. Murder and grievous bodily injuries were very often encountered. I submit herewith some examples confirmed by witnesses under oath."

I shall now read a few of the examples quoted in the Polish report. As a first example, I shall quote the description of an event which took place in

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temporary prisoners of war camp in the town of Belsk."

In your file of documents this document is on Page 285.

"On the 10th of October 1939, the camp commandant assembled all the prisoners and ordered those who had joined the Polish Army as volunteers to raise their hands. Three prisoners obeyed his order. They were immediately led out of the rank and placed at a distance of 25 meters from a detachment of German soldiers armed with machine guns. The commandant gave the order to open fire. He then spoke to the remaining prisoners and told them that the three volunteers had been shot as an example."

THE PRESIDENT: Colonel, you will forgive me for interrupting you, but you remember that I have interrupted all the other prosecutors to point out to them that one opening speech had been made on behalf of their delegation, and that really their function was to present the documents.

Now, you have just presented a document which states the three volunteers were shot. I think that any comment upon that is really unnecessary.

COLONEL POKROVSKY: I now proceed to the quotation of the second extract on Page 37, page 286 of your document file.

"In the autumn of 1939, Camp Stalag VIII-C was established in Counay, near Sagan, on the River Bober, a tributary of the Oder. Depositions from this camp read as follows:

"The camp in Counay was an open space surrounded by barbed wire, with large tents, each holding 180 or 200 persons. In spite of very cold weather (the temperature was under 25 degrees Celsius) there was in December 1939 no heating appliance whatever in the camp. Consequently, some of the inmates had frozen hands, feet, and ears. Since the prisoners had no blankets and since their uniforms were too worn out to protect them from the cold, diseases broke out, whilst malnutrition resulted in extreme inanition. Moreover, the guards constantly ill-treated the prisoners. They were beaten on the slightest pretext. Two men were especially noted for their brutality: Lt. Schpicke and Sergeant-Major Grau. They struck the prisoners in the face and beat them, thus breaking their ribs and arms, and gouging out their eyes."

Such inhuman treatment drove soldiers to suicide and others to madness."

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I think we can now pass on at once to the general conclusions and to quote, to this end, count "a2 of page 39, your page 287.

"the above mentioned treatment of Polish Prisoners of War by individuals as well as by the German Military authorities flagrantly violated the articles of the Geneva Convention of 1929, pages 2, 3, 9, 10, 29, 30, 50, and 54. The Convention in question had been ratified by Germany on the 21st of February, 1934."

Soldiers of the Yugoslav Army, taken prisoner by the German troops, were subjected to unbridled ill-treatment by the fascist invaders. Ill-treatment, torture and torment, together with mass executions were introduced as part of the system. Here too, the Hitler criminals were perfectly aware of what they were doing. To white-wash themselves, if only a little, in the eyes of the world, they referred to the officers and men of the Yugoslav Army as "Bandits", in all documents, concerning the destruction of prisoners of war.

The second paragraph from the bottom of page 23 of the Official Yugoslac Report with regard to the above matter, read as follows (I quote page 23 of Document No. USSR-36: This quotation begins on Page 326 of your document file.

"...Everywhere where the Germans used the so-called actions against 'bands and bandits' as a pretext for the annihilation of the civilian population (women, children and old people), units of the Yugoslav national army of liberation and partisan units were actually involved...

Being under a military command and having recognisable military emblems and insignia, they conducted an armed struggle against the fascist occupation forces and in addition were fully recognized by all the Allies. Besides we will see later that in some of its documents, the German Command itself unmistakably recognized this fact, but in its attitude towards the Yugoslav fighters it continued unrestrainedly to violate the principles of the international law of war".

As an additional confirmation of the report, the form of which accords with the requirements of article 21 of the Charter as to admissability of evidence, I submit to the Tribunal also document USSR- 305 (Yu-68). This is an excerpt from the report by the Yugoslav State Commission concerning the determination of crimes committed by the occupation forces and their

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accomplices. The State Commission reports that there is at its disposal a secret report by Lieut.Gen.Hoesslin, the commanding officer of 188 depot, Mountain Infantry Division, which had been given the number 9070/44. The report is of great importance because of the following considerations which I will explain to the Tribunal in the terms of document 305. I quote:

"Although the report refers to our divisions, brigades, and artillery battalions under their proper names and proper numbers - in cases of military engagements -- all our army is called in this report, however, by the general names of "bandits", and for a very simple reason; by this they are attempting to divest us of the rights of a belligerent, to have the right to shoot prisoners of war, to kell the wounded and to have a pretext for employing repressive measures against the peaceful non-fighting population, allegedly because of their assistance to the "bandits". Lieut-Gen. Hoesslin admits that the combat group of Col. Christel after "a night engagement with weak bandit forces" - and these are the exact words of the report - burnt down Laskovitz, Lazna, Lokva and Cepovan, and destroyed a hospital. In General Hoesslin's report it is further stated that the division, together with the 3rd Brandenburg Regiment and other German and Police units, took part in "the man-hunt for bandits in the neighbourhood of Klan" (measure Ernst) ---"

I submit to the Tribunal exhibit USSR-132 (Yu-67) your page 263 of the document book. This represents an excerpt from the directives by Major General Kuebler concerning the conduct of troops in action, an extract which was certified by the Yugoslav State Commission. I read these excerpts into the record:

"SECRET
118. Jaeg.Division
Abt. Ic
Br.B.Nr. 1418/43 secret
Div.Hqs., 12.5.1943
for the conduct of troops in action...

2. Prisoners:
Anyone having participated openly in the fight against the German armed forces, and having been taken prisoner is to be shot after interrogation."

I further submit to the Tribunal exhibit USSR-304 (Yu-56).

This number has been given to the excerpt from memorandum No. 6 of the

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Yugoslav State Commission for the determination of the crimes committee by the occupation forces and their accomplices.

In the last paragraph of document USSR-304 (page 2 of the Russian text) is stated as follows: your page 365 of the document book:

"On May 5, 1945 the Germans brought from one of the partisan hospitals 35 fettered patients and hospital orderlies. Ten of the patients who could not walk were out against the wall and shot. Their bodies were piled up in a heap, covered with wood and set of fire."

As exhibit USSR-307 (Yu-73) I submit another extract from statement No. 6 of the same state commission. This statement is found on pages 85-115 of the first book entitled "Memoranda on crimes committed by the occupation forces and their accomplices". I shall now proceed to quote a part of this extract: -

"On 5 June 1944 Hitler's criminals captured two soldiers of the Yugoslav Liberation Army and the Slovene Partisan battalions. They brought them to Razori, where they cut off their noses and ears with bayonets, gouged out their eyes and then asked them if they could see their comrade Tito. Thereupon the called the peasants together and beheaded the two victims... They then place the heads on a table..."

In accordance with their usual practice of photographing the bodies of their victims, the fascists then took photographs, and, as further states in the extract quoted by me, as follows:

"Later, in the course of the fighting, the photographs were found on a fallen German. From this it can be seen that they confirm the above described incident at Razori."

These pictures will be submitted to the Tribunal together with other Yugoslav photographic evidence.

Under No. 65/a, (Yu-69) I submit to the Tribunal an announcement signed by the Commander of the SS and police detachments of the 18th military district, SS Gruppenfuehrer and Police Lieut.Gen.Roesener. I shall now proceed to read into the records a part of this announcement. You willthus be able to see that the members of the Yugoslav military forces who were taken

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prisoner were either hanged or shot:- This document is on Page 367 of your document book.

"In view of various encounters between police detachments and...."

I skip several sentences of this concerning the description of these encounters.

"18 bandits were shot recently and a large number were taken prisoner."

Of the prisoners, the following bandits were publicly hanged at Stein on 30 June 1942..."

This statement is followed by the names of eight Yugoslav fighters aged from 21 to 40 years. I will not read this list into the record. On page 36 of our exhibit USSR-36, your Page 39, the first paragraph from the bottom reads:-

"We can find the same evidence in a collection of official notes on the staff conferences of the Gauleiter Uiberreither... Thus, for example, the minutes of the conference held on 23 March 1944, contain the following:

"... Today in Maribor 15 bandits were killed..."

The minutes of July 27, 1942, contain the following:

"Several members of the bands were shot of lately".

I skip several sentences.

The minutes of the Conference of December 21, 1942, contain a passage...

"Since the beginning of the activities of the bands, in July 1941, the security Police (Ordnungspolizei) killed on the spot 164 bandits, and 1,043 by special proceedings (im Sonderverfahren)."

The minutes of 25 January 1942, state:

"The number of the members of the band which were liquidated on January 8, 1943, by SIPO and Ordnungspolizei is 86, including wounded and prisoners, 77 or whom were killed."

Such notes can be found in almost every one of the minutes of these conferences held by Uiberreither."

Part of the prisoners of war who escaped immediate annihilation, were moved into special camps where they were gradually destroyed by hunger and most exhausting work. I will now read into the record the last paragraph on page 37 of the report of the Yugoslav Government, which was previously mentioned by me and offered in evidence as Exhibit USSR-36. It is Page 340 of the document book.

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"One of such camps was established in the course of 1942 at Boten, near Rognan. Nearly 1.000 Yugoslav prisoners of war were brought into this camp and in the course of a few months all of them, to the last man, died of illness, hunger, physical torture, or direct murder. They were daily forced to do the hardest kind of work on a road and on some dams. The working hours lasted from dawn until 8 p.m., under the worst climatic conditions in this northern part of Norway. In the course of their work, the prisoners were incessantly beaten, and in the camp itself were exposed to ill treatment of the worst kind.

> "Thus, for example, in August of 1942, the prisoners were ordered by the German staff of the camp to have all their hair from arm-pits and around their genitalia removed, as otherwise, they would be shot. Not one prisoner received any razors from the Germans, though the Germans knew well that they had none. The prisoners spent the whole of the night pulling out their hair with their hands and assisting one another. However, in the morning the guards killed four prisoners and wounded three by rifle fire."

"On November 26, 1943, German soldiers in the middle of the night broke into the ambulance and dragged out into the courtyard 80 sick prisoners; after they had to undress completely in the terrible cold, all were shot. On January 26, 1943, another 50 prisoners died in the worst imaginable pains because of beating. Throughout the winter, other prisoners were also killed in the following manner: They would be buried naked up to their waist, and water sprayed over them, so that statues of ice were made of them. It was established that 880 Yugoslav prisoners of war were killed in the above-mentiened camp in various similar ways."

Further, on page 38, Exhibit USSR-36, information is contained of the shooting of Yugoslav prisoners of war in the camp of Bajsfjord (Norway). After 10 July 1942 when an epidemic of typhus (spotted fever) broke out in that camp and spread to six more, the Germans found no other way of fighting this epidemic than a wholesale shooting of all the patients. This was done on 17 July 1942.

I. On the same page, 38, there is a reference to a Norwegian report of 22 January 1940 which was composed on the basis of statements made by Norwegian guards of this camp, who fled, in which it is stated that out of 900 Jugoslav prisoners of war, 320 were shot, while the remainder for the purpose of isolating them were transferred to another camp, Bjarfjel. I will read into the record page 38 of Exhibit USSR-36, beginning with the 5th paragraph from

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the bottom, page 341 of your document book.

"When an epidemic of typhus broke out in the new camp, in the course of the following five to six weeks, an average of 12 men a day were shot. By the end of August 1942, 350 of these prisoners were returned to Bajsfjord, where German SS troops continued to ecterminate them. In the end, only 200 men remained alive and were transferred to camp Osen. I will now skip two paragraphs and pass to the last paragraph of the same report:

"One June 22, 1943, a transport containing 900 Yugoslav prisoners arrived in Norway. Most of them were intellectuals, and then workers and peasants, prisoners form the ranks of the former Yugoslav Army or captured partisans or men seized as so-called politically "suspicious elements". A part of them about 400, were placed in the still unfinished camp at Korgen, while the other group of about 500 was sent ten to twenty kilometers further on the Osen. The Commandant of both camps simultanecusly, from June 1942 until the end of March 1943, was the SS-Sturmbannfuehrer ..Dolps.

"Men were constantly dying of hunger.45 men were placed in a hut which was normally to accomodate only 6 men.... There were no medicines ..... They worked under most difficult conditions, on road building, in heavy cold, without clothing and caps, naked, in the rain and wind, twerve hours a day.

"The prisoners in the camp of Osen used to sleep in their shirts without any underpants, without any cover whatsoever, on bare floors. Dolps personally visited huts and carried out inspections. The prisoners who were caught sleeping in their underpants were killed on the spot by Dolps with his submachine gun. He killed in the same manner all those who appeared on parade, which he took personally, in soiled underwear ..... By the end of 1942, only 90 still remained alive of the first group of 400 in Korgen. Out of about 500 prisoners who were taken to the camp of Osen, by the end of June 1942, there were in March of 1943, only 30 men alive."

I will read into the record an excerpt from page 38 exhibit USSR-36 beginning with the 3rd paragraph from the bottom, page 342 of your document fill:

"Besides this terrible treatment of the captured fighters of the Yugoslav National Liberation Army and Partisan Detachments, the Germans also treated the prisoners of war from the ranks of the old Yugoslav Army compeiely contrary to the Geneva convention on the Treatment of the Prisoners of War, of 1929.

"In April 1941, immediately after the occupation of the Yugoslav territory, the Germans drove into captivity in Germany about 300,000 soldiers and non-commissioned officers. The Yugoslav State Commission has at its disposal much evidence of the unlawful illtreatment of these prisoners. We shall give here only a few examples.

"On July 14, 1943, in the officers camp (Oflag) VI-C at Osnabrueck, 740 captured Yugoslav officers were separated from the remainder and placed in a special punishment camp called Camp D. In this camp they were all crowded togethe

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in four huts; every contact with the rest of the camp was prohibited and the treatment of these officers has been still more contrary to thep provisions of the above-mentioned Convention, than the treatment of other prisoners. In this punishment-camp were placed all those whom the Germans considered to be supporters of the National Liberation Movement, and against whom they applied very frequently various collective punishments.

"The Germans even played with the lives of prisoners and frequently out of pure whim fired shots at them. Thus, for example, at the aforesaid camp at Osnabrueck, on January 11, 1942, a German guard fired at a group of prisoners, severly wounding Capt. Petaer Nozinic. On July 26, 1942, a guard fired on a group of officers. On September 2, 1942, a guard fired on Lt. Vladislav Vajs, who remained permanently incapacitated by the wound received. On September 22, 1942, a guard from the prison tower fired again on a group of officers. On December 18, 1942, the guard fired on a group of officers, because from their huts they were looking at the English prisoners passing by. On February 20th, 1942, a guard fired on a Yugoslav officer, only because the officer was smoking. On March 11th, 1943, a guard fired a shot at the doors of a hut and killed General Dimitrife Pavlovic. One June 21, 1943, a guard fired at the Yugoslav Lt. Col. Branko Popadic. On April 26, 1944 the German non-commissioned officer Richards fired on Lt. Vladislav Gajger, who subsequently died of the wunds received. On June 26, 1944, the German Captain Kuntze fired on two Yugoslav officers, severely wunding Lt. Alekesander Djordjevic. All these shootings were carried out without any serious reason or pretext, and only as a result of cruel orders of the German camp commanders, who threatened that arms would be used even in case of most insignificant offences or even without this excuse.

"All these examples took place in one single camp. But this was the treatment applied in all the wemaining camps for Yugoslav officers and soldiers who were prisoners of war in German hands."

A certain incident is described in the Czechoslovak government report which I should like to mention here. Its improtance lies not in the fact that it throws a new light on the methods employed in Fascist crimes, but that it took place at the time when the Hitlerites clearly realized that their days were numbered. This indident is described in appendix 4 to Czechoslovak

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Government's report and I shall describe it briefly in my own words.-

There was an airfield at Gavlichkov Ford at which various military installations were located, while the former lunatic asylum was used as an SS hospital. When the question arose regarding the formalities for the surrender of the German military units at the airfield, Lieutenant Captain Sula with one of his follow officers of the Czechsolovak Arme betook himself to the airfield. Neither of them ever came back. Later, the airfield and the hospital were occupied by the Czech National Units and an investigation was carried out. It showed that the parliamentaires, together with six other persons who previously disappeared at Gavlichkov Ford, were taken by the Germans to the SS hospital where they were subjected to cruel tortures. In the case of Captain Sula the Germans out out his tongue, gouged out his eyes and out his chest open. The others suffered similar treatment. Most of them had their exual organs cut away.

I am in possession of photographic evidence in support of this which I am submitting to the Tribunal. My presentation has lasted several hours. Surely, neither time nor all the words of living human speech will suffice to describe even a thousandth part of the sufferings borne by the fighters of my country and those of other democratic countries who had the misfortune to fall into the hands of the Fascist hangmen.

I have only been able to show to the Tribunal, in the most succist manner, the way in which the cannibalistic Fascist directives regarding the mistreatment of prisoners of war and their mass extermination were carried out, before which all the horrors of the Middle Ages pale.

We shall attempt here to fill in the gap. Tens of thousands of witnesses will pass before you. They might have been called to the Tribunal to testify in this case. I cannot call them by name and you will not administer and oath to them, and yet their evidence cannot be disbelieved because the dead never lie. Most of the films regarding German atrocities which will be presented by the Soviet prosecution relate to crimes against prisoners of war. The silent testimony of those who were burnt alive in hospitals, those mutilated beyond recognition, tortured those starved to death will, I am sure, be more eloquent than any of my words.

The hands of the accused are dipped in the blood of the victims of Rostov and Kharkov, the martyrs of Auschwitz and of the other camps of extermination created by the Hitlerites.

The enemy perfidiously attacked our country. The people rose in arms to defend their motherland, her freedom, her independence, the honor and life of their families. They joined the ranks of the fighters, and lo, they fell into the hands of the enemy. See how the enemy mocked when they no longer had arms to defend themselves.

So, may these principal war criminals - who bear the main responsibility for the Fascist misdeeds - answer according to the full severity of the law of international justice, to the martyrs for the indescribable atrocities which you will see with your own eyes, and for the many similar crimes which will remain unknown.

Allow me to present to the Tribunal, Senior Counsel, L.N. Sminov, who will present to the Tribunal documentation concerning crimes committed against the civilian populations of the USSR, Jugoslavia, Poland and Czechoslovakia.

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COLONEL L. N. SMIRNOV: Your Honors: My problem today consists of presenting to you the written documents and other judicial evidence testifying to the most severe crimes committed by the Hitlerian conspirators towards the peaceful population in the territories of the USSR, Jugoslavia, Poland and Czechoslovakia which were under temporary occupation.

The number of such depositions in the possession of the Soviet Prosecution is very great.

It is enough to mention that in the reports of the Extraordinary State Commission for the Determination and Investigation of the Crimes of the German Fascist Invaders and their Allies, there are 54,404 reports of the crimes by the Hitlerian criminals directed at the peaceful citizens of the Soviet Union.

But even these documents do not cover all the crimes committed by these war criminals towards the peaceful population.

The Soviet Prosecution asserts, and I here submit to the Tribunal evidence, that along the whole expanse of the great front, from the Berentz Sea to the Black Sea throughout the whole depth of infiltration of the German Fascist hordes into my Fatherland, everywhere where there stepped the foot of the German soldier, or whereat any time appeared even one member of the SS, crimes took place which were unheard of for their cruelty; crimes against peaceful citizesn -- the aged, the women, the children.

The crimes of the German Fascist criminals became apparent as the units of the Red Army moved west. The reports on these crimes against the peaceful population were made by the officers of the front units of the Red Army, by local government agencies, by community organizations.

The Soviet people learned of the crimes of the German Fascist scoundrels not from circulars of the German Command, not from the notices put up by the Reich leaders, not from the instructions issued by the Obergruppenfuehrers of the SS which have appeared in both the incoming and outgoing bulletins of the German organizations concerned (although such documents were also captured in very large quantities by the advancing units of the Red Army and are at present in the possesssion of the Soviet Prosecution).

It is when the soldiers of the liberating armies began to return to

their native places and saw most of the villages, towns and cities turned into desert zones by the Hitlerite hordes that they learned of these crimes.

They learned of these at the mass graves where lay the corpses of Soviet citizens murdered by typical German methods, at the scaffolds from which hung the bodies of adolescents, at the furnaces of the gigantic crematoria where were burned those murdered in the camps of destruction, by the bodies of the women and girls who became victims of the saddist tendencies of the Fascist bandits, by the corpses of the children torn in half. By all these things did the Soviet people understand the chain of crime that extended, as stated by the Chief Prosecutor of the USSR, "From the chairs of the Cabinet Ministers to the hands of the executioners." There was a special system in these horrible crimes. There was uniformity in the methods of murder. The same construction of the gas chambers; the same mass production of the round tins of poison called "Cyclone A" or "Cyclone B"; the ovens of the crematoria built in the same typical manner; the same plan extending to all the destruction camps. There was the same construction of the ill-smelling machines of death which the Germans called "gasenwagen", but which our people referred to as "the killers"; there was the same technical perfection in the construction of the travelling mills for cracking human bones. All these things pointed to the same evil will, which united all separate assassins and all individual executioners.

It became clear that German physicists, chemists, architects, toxicologists, mechanics and physicians were engaged in this utilization of science for purposes of mass murder at the direction of the criminal Hitlerian government and the High Command of the German Army. It became clear that these death factories brought into existence a whole series of auxiliary industries.

But the unity of this will to evil became apparent where special technical skills were developed to serve the objectives of the criminal assassinations.

The unity of this will for evil was also seen in the similarity of methods, in the similarity of the techniques utilized for murder, and also where these special techniques were not used but very ordinary weapons of the German Army served the purpose.

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The places where the victims were buried were discovered by the Judicial Doctors of the USSR, both in the North and in the South of the country. The graves were separated one from another, often by thousands of kilometers, and it was quite clear that these crimes were committed by quite different and distinct individuals, but the methods of these massmurders were completely identical: the wounds were in the same parts of the body; the gigantic ditches which were to be graves were similarly camouflaged as anti-tank trenches; almost the same expressions were used to order the disarmed and defenseless persons to undress and to lie face down in the already prepared graves. The first layer of those just shot, whether in the camps of Byelo-Russia or in the mountains of the Caucasus, were similarly covered by lime, and on the layer of bodies and lime lay down the second layer of those about to die.

This is testified to, not only by the identity of instructions received from the higher quarters; but so similarly, so identical were the methods used that it became clear that executioners were trained in the same special schools, which systematized and made provision for every part of the murder etiquette, from the order to undress just before being shot to the shooting itself.

These assumptions, based on the analysis of the assembled facts, were later confirmed by the documents captured by the Red Army and by the testimony of the prisoners of war.

From the very first months of the war, it became clear to the Soviet Government that the innumerable crimes of the German Fascist aggressors against the peaceful citizens of my Fatherland represented, not the excesses of undisciplined military units, or the isolated crimes of individual officers and soldiers, but represented a system prepared in advance; not merely sanctioned by the criminal Hitler government, but consciously planned and encouraged.

I submit to the Tribunal as evidence, in accordance with Article 21 of the Charter one of the official memoranda of V. M. Molotov, Peoples Commissar for Foreign Affairs in the USSR, dated as early as 6 January 1942. This document is registered as USSR Exhibit No. 51. It is on the first page of your document file, beginning at the third paragraph after

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the heading:

"As the Red Army, in the course of its continued successful counter-offensive, liberated numerous cities and rural communities which had for a time been in the hands of the German invader, a picture without equal emerged, and this picture emerges more clearly with every passing day -- the pciture of the plunderings which took place in every community, the general ruination, coarse deeds of violence, infamous acts and mass murders which were committed against the civilian population by the fascist German occupation forces during the offensive, during the occupation, and during their withdrawal. The great amount of documentary material which the Soviet Government has at its disposal is evidence that the plundering and despoiling of the population, accompanied by bestial acts of violence and mass murders, was carried out in all territories which came under the heels of the German invaders. Incontrovertible evidence proves that the regimes of robbery and of bloody terror against the peaceful population of the occupied villages and cities did not consist of incidential excesses of individual undisciplined military units or individual German officers and soldiers. Rather it points to a definite system, planned in advance and promoted by the German government and the German army command, which let loose intentionally within their army the lowest animal instincts among the officers and soldiers.

"Every step of the Fascist German Army and its allies on the Soviet territories occupied by them, in the Ukraine and Moldavia, in White Russia and Lithuania, in Latvai and Esthonai, in the Karelian--Finnish territory, in the Russian regions and zones, brings the destruction and annihilation of numberless material and cultural values of our people; it brings to the civilian population the loss of property won in hard work, the erection of a forced labor regime, famine and bloody slaughter, before the horrors of which the most dreadful crimes that human history has ever known, pale.

"The Soviet government and its organs keep an extensive record

record of all these wanton crimes of the Hitler army for which the deeply aroused Soviet people justifiably demands and will get retribution."

The Soviet Government considers it a duty to bring to the knowledge of all civilized humanity its declaration as to the monstrous crimes committed by the Hitlerite Armies upon the population of occupied territories.

I will now quote paragraphs two, four and five of the concluding statement of the note. The Tribunal will find this paragraph on the other side of the page of the document I have quoted, page 4:

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"Germany's Hitler regime, which has attacked the Soviet Union in violation of its pledge, does not pay any heed to any international standards or any requirements of human morals in waging war. She wages war especially against the peaceful and unarmed population, against women, children and old men, thereby revealing the vile brigand mentality. This brigand government, which recognizes only force and rapine, must be crushed by the all-powerful strength of the freedom-loving peoples, amongst whom the Soviet peoples will carry out their great task of liberation to the end.

In bringing all these atrocities to the knowledge of the Governments with which the Soviet Union maintains diplomatic relations, the Soviet Government states that she holds Germany's criminal Hitlerite Government entirely responsible for all these inhuman and rapacious acts.

At the same time the Government of the Soviet Union declares with unshakable conviction that the fight for liberation of the Soviet Union is a fight for the rights and the liberty not only of the peoples of the Soviet Union, but also for the rights and the liberty of all other freedom-loving peoples of the world, and that this war can end only with complete destruction of the Hitler army and with complete victory over the Hitler tyranny."

The large quantity of the materials and facts which I have to submit to the Tribunal makes it necessary to adhere to a very strict system in the presentation of this documentation.

I will quote successively:

1st - with regard to the conscious encouragement, on the part of the chief war criminals, of the lower instincts of those German Officers, men and officials who were sent to the eastern areas, encouraging them to do away with the civilian population and mistreat it. These chief war criminals created the atmosphere of irresponsibility and legalized the regime of terror.

2nd - With regard to the existing special training and the selection of personnel sent to put into effect both the mass murders and the

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regime of terror with regard to the civilian population.

3rd - With regard to the extent, the degree and the wide geographic spread of these crimes.

4th - With regard to the gradual development and perfection of the method for the realization of these crimes, from the first shootings to the creation of the special camps of destruction.

5th - With regard to attempts to conceal these crimes and the special measures taken for that purpose at the order of the higher authorities.

I will now submit documents to prove the first two points of those just mentioned.

The Tribunal has already received evidence that the actual orders, circulars and the so-called "laws" of the Hitlerian criminals for the legalization of terror directed against the population and for the justification of rape and murder, are directly related to the inhumane theoretical foundations of Fascism.

The Chief Prosecutor for the USSR has twice quoted the book by the former president of the Danzig Senate, and one of the closest persons to Hitler, Herman Rauschning, published in 1940 in New York under the title of "The Voice of Destruction." The same book was published in various other countries under different titles, such as "What Hitler Told Me," or "Conversations with Hitler," and so on.

From this book of Rauschning's which I submit to the Tribunal, there are two quotations which I present. The first is on page 225. Your Honors will find it on page 14, last paragraph. The contents can be resumed. Hitler told Rauschning that he was freeing mankind from the "phantom call of conscience and morality." The second quotation is found on pages 137 and 138. It is very important, although only taken from a book, and I will endeavor to prove it concrete fact. It concerns a conversation between Hitler and Rauschning on the subject of the "special technique for depopulating countries where it would be necessary to exterminate whole peoples,

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and about the victor's right to exterminate whole peoples."

Indeed, in order to murder millions of innocent defenseless people, it was not only necessary to develop the technical formula of Cyclone "A" or constructing gas chambers and crematoria, or the preparation of detailed procedure for mass shootings.

It was also necessary to train many thousands of men who would carry out these policies, "not as a matter of form, but also in spirit"-as stated by Himmler in one of his speeches. It was necessary to train persons who had no heart or conscience, persons who would be amoral, who had consciously broken away from the basic conceptions of both morals and ethics. It was necessary to legalize "a theoretical foundation" for substituting the concept of "guilt" for the concept of "suspicion;" for the concept of "punishment," the concept of "preventative purge of undesirable elements for political purposes;" for the concept of "justice," the concept of the "master's right;" for the concept of jurisprudence, the concept of "administrative tyranny and police terror."

In utilizing orders, directives and laws, it was necessary to convince hundreds of persons who were to be the executioners and who would be trained for the purpose as bloodhounds are trained, that they are responsible for nothing. This is why Hitler freed humanity from the "phantom called conscience." However, the theoretical foundations laid for the purpose still did not constitute official instructions; neither did they establish definite measures of retaliation with regard to those who were unduly soft and did not fully recognize "the joys of cruelty."

This is why, even before the beginning of the war with the Soviet Union, the German Fascist criminals issued a number of so-called "reminders," "sermons" and similar documents to the Germans who were being sent east. I must say that out of all the documents in my possession--I consciously showed only a restricted number--I chose this one. This is not an order to the SS or police. It is intended

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for the agricultural leaders. It is called, "The Twelve Commandments for the Behavior of Germans in the East and for their Treatment of the Russians." I submit this as document USSR-89, and your Honors will find it on page 17 of the document book. This book begins with the "Twelve Commands" of which I have just spoken. It is a book strictly for the agricultural leaders. From these "Twelve Commandments" I shall quote just one, that is the sixth, which has a direct bearing on my present theme--

DR. OTTO NELTE (Counsel for Defendant Keitel): Mr. President, this document, USSR-389, concerning the "Twelve Commandments" governing the behavior of the Germans in the East does not have a heading. That is the end of the quotation. It has no signature. Because of the question of fixing responsibility, it might perhaps be desirable if the member of the Prosecution could tell me who the author of these "Twelve Commands" is. So I respectfully ask for a decision, whether this document is admissible as evidence.

THE PRESIDENT: Can you inform us what the source of the document is?

COLONEL SMIRNOV: I will. This document is included in the documentation of the Extraordinary State Commission for the Investigation of Criminals. It was received from the following sources --

(An interruption).

The Defense Counsel pointed out that this document has no source. If he will turn to the original of this document, he will see--I unhappily cannot say who signed the document, but I found that signature on a series of German Fascist documents. By a strange coincidence it spoke on two subjects, either upon the Russian soul-- ; evidently the author of this considered himself equally competent on both subjects. I cannot quote the source of this document. I repeat, it was captured by field units of our army, in the region of Rostoch. It was sent to the Extraordinary State Commission, and the original

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of this document is now being submitted to the Tribunal.

THE PRESIDENT: I have the original before me. It is dated, Berlin, the 1st of June, 1941, and has a signature which looks like H-W-A-C-K-E. Perhaps Counsel for the Defense would like to see the original document. It is, as I understand from the Prosecuting Counsel, made a part of the Soviet Government Report, and if so, we must take notice of it.

COLONEL SMIRNOV: That is so, my Lord. I have an indication concerning the function of Backe. He was Minister of Foods and Food Products. I did not know that before. Forgive me. I did not stress the personality or the Minister --

DR. NELTE: Mr. President, I believe the signature is Backe, and I believe that I can identify the signature; Backe was in the Food Ministry and at the time was State Secretary.

THE PRESIDENT: Perhaps this would be a convenient time to break.

(A recess was taken.)

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COLONEL L.N. SMIRNOV: I now quote the Sixth Commandment out of the twelve which have just been submitted to the Tribunal. This Sixth Commandment, which is on Page 17 of the book of documents of the Tribunal, reads as follows:

"Since the newly opened-up areas must be lastingly acquired for Germany and Europe, a great deal will depend upon your behavior. You must realize that you are the representatives of Greater Germany and the standard-bearers of the National Socialist Revolution and of the New Europe for centuries to come. You must, therefore, carry out with dignity even the hardest and most ruthless measures that are required on account of the state necessities. Lack of character on the part of an individual will be considered without doubt as a cause for his removal. Anyone who has been recalled on such ground will no longer be eligible for a responsible position in the Reich either."

For what "cruel and merciless" measures the criminal Hitler movement was preparing those whom it called "the vanguard of the National Socialist Revolution" and what crimes were committed by this vanguard, we shall show in a minute.

In this manner the theoretical abstract discussions were followed up by official orders which were definite and which had no ambiguity.

The cadres of executioners were prepared in special educational institutions. The network of these institutions extended even to the lowest officials. I shall submit to the Tribunal the indictment presented by the Prosecutor for the Most Important Affairs in the USSR on the subject of the German Fascist crimes in the city and district of Kharkov. This document has already been confirmed fully by the verdict of the military tribunal, which has also been submitted to your Honors.

This indictment and the verdict are on page 20 of your document book. On page 22 of the file are words describing those parts of the verdict which states that all documentation concerning preliminary examinations were confirmed by the investigation. The indictment and the verdict are submitted to the Tribunal as USSR Exhibit 32.

On the first page of the indictment, there is an extract from the testimon

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of the defendant Razlev. Page 24 of the document file, last paragraph:

"The senior corporal of the German Army, Reinhard Retzlaff, who received his training in the special battalion 'Altenburg', testified at the trial:

"'The semester included several lectures of the leading officials of the GFP -- Secret Field Police -- who pointed out in a direct manner that the peoples of the Soviet Union, and especially those of Russian nationality, were inferior and that they would have to be destroyed in their overwhelming majority, but that they were to be used as slaves to a minor extent by the German estate owners. These directives originated the policy of the German government toward the peoples of occupied territories and were, it must be confessed, executed by every member of the armed forces in actual life, amongst them also myself.'"

Such were the courses dedicated to the training and education of the junior police officials.

But the Fascist system of training murderers also applied several other forms of education and concentrated on developing various special processes for destroying people. The Tribunal has already received the document registered as USSR Exhibit 6 B. This document is one of the appendix to the report of the Extraordinary State Commission on the crimes committed in the territory of the Lvov district. It is the testimony of the witness Manusevich, questioned by the Senior Assistant Prosecutor of the Lvov district at the special request of the Extraordinary State Commission. The protocol of the questioning are formulated in accordance with the legal procedure of the code of the Ukrainian USSR.

The Tribunal will find this protocol on page 58 of the document file.

Manusevich was imprisoned by the Germans in the Yanov Camp, where he worked as a member of the prisoners squad for the burning of corpses of assassinated Soviet citizens. After having finished the burning of 40,000 corpses murdered in the Yanov Camp, the squad was transferred for similar purposes to the camp located in the Lisenitz Woods.

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I quote now from the report of the interrogation, which the Tribunal will find on Page 62, paragraph 2, beginning from the top, line 26.

"In this camp, that is to say, in the death-factory, special ten day courses on the burning of corpses were organized. Twelve men were employed there. Persons attending the courses came from the camps of Lublin, Warsaw and others. I do not know their family names, but they were officers, not enlisted men, from the rank of colonel to sergeant. The instructor at these courses were the commandant of the camp, Colonel Schallok. He explained at the scene where bodies were exhumed abd burned the practical way of doing it, how the machinery for crushing the bones was set up, and how the pits should be levelled over and trees planted on the spot, and how the ashes of the human corpses should be scattered and concealed. Such courses existed over a considerable period of time. During my stay -- that is, in the course of five and one half months of my work in the Yanov and Lisenitz Camps -- there were ten groups attending these courses."

For the education of youth, the German Fascists created a special organization, the so-called Hitler Youth.

For quite a long time, the head of the organization was the defendant Baldur von Schirach.

What kind of methods for the education of the German youth were used by the Fascist criminals is described by a French citizen, Ida Vasso, the directress of a pension for aged Frenchmen in Lvov. During the occupation of Lvov by Germans, she had an opportunity to visit the Lvov Ghetto.

In her statement to the Extraordinary State Commission, Vasso described the system for the extermination of people there. From the statement of Vasso, you can see that German educated Hitler youth by means of training these young Fascists to shoot at living targets, namely at children who were specially given to the Hitler Youth as targets for the shooting. The statement by Vasso was verified by the Extraordinary State Commission and fully confirmed.

I will submit to the Court as confirmation of this evidence, USSR Exhibit 6, a report by the Extraordinary State Commission entitled "Concerning

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the Crimes of Germans in the Territory of the Lvov Region."

I quote now from the statement by Vasso, which is included in the text of the report as certified documentation, on page 6, second column of the text, paragraph 5, beginning at page 14, at the beginning of the paragraph. The Tribunal will find this evidence on page 59.

"The little children were martyrs. They were given as presents to the Hitler Youth, which used them as living targets for their target practice. 'No mercy for others, all for themselves' -- that was the motto of the Germans. The whole world must learn about their methods. We who were helpless witnesses of these terrible scenes, must report their atrocities so that all should know, and what is more important, that nobody should forget, as vengeance will not bring back life to these people."

On the same page, paragraph 2 -- the Tribunal can check on page 59 -- the Tribunal will find the confirmation of the Vasso statement. The Extraordinary State Commission established that at Lvov:

"Neither men, women nor children were spared. The adults were killed in a primitive way; the children were given to the Hitler Youth to be used for target practice."

In that manner were created, educated and trained those moral monsters who were called upon to execute the program of the main criminals for the physical destruction of the population of the countries of Eastern Europe. The Fascist government had no reason to expect that the standard bearers of the National Socialist Revolution in the East would show any traces of humanity.

THE PRESIDENT: I hope you will forgive my interrupting you, but I had to point out Colonel Prokrovsky just now that we really don't want any comment upon each one of these documents. The passage you have just read to us now is nothing but comment upon the frightful document which you have just read. It all takes time. If you could find your way to cut out the comment after these documents and simply present us with the documents, it will save time.

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COLONEL SMINOV: I will follow your indications, your Honor, and will continue my quotations.

I quote now from an extract of the testimony of the witness Manusevich, namely, the part where he speaks of the activities of the administration of the Yanov Camp. He was a witness of these activities when he worked in a special unit of prisoners used for burning the corpses of people killed in this camp. I quote frompage 3 of the report of the interrogation, beginning at line 25, counting from the top. The Tribunal will find this document on page 50 of the document file, line 25. I quote this extract as an illustration of those conditions created by the Hitlerites and of some crimes perpetrated by these people:

"Aside from the shooting in the Yanov Camp, various tortures were practiced. In the wintertime, for example, a person with bound hands and feet was placed into a barrel full of water in which he froze. There were two rows of barbed wire, 120 meters distant from each other, around the Yanov Camp. People were brought there, who perished from cold and hunger. They were never able to save themselves from that place, and died. However, several days before one was brought there, people were soundly thrashed. They were hung up by the neck, by the hands, or by the feet, and then dogs were set upon them and tore them to pieces.

"Human beings were used for target practice. This was done mostly by the Gestapo people Heine, Ziller, Blum, the head of the camp, Willjaus, and others whose names I do not remember. They gave a man a glass and shot at it. If the glass was hit, he continued to live. If, however, he was struck on the hand, he was then shot. It was said in this connection that he was incapable of working and, consequently, should bt shot. People were taken by the legs and torn in two. Children one month to three years old were drowned in barrels filled with water. Several people were also tied to a post, and they stood there until they died of sunstroke.

"Besides, before sending people to work, they were examined, subjected to a medical examination. During the examination, the men were forced to run 50 kilometers, and if the person ran this distance quickly, without stumbling, he remained alive, and the remainder were shot.

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"In the camp there was a place grown over with grass, over which one also had to run. If anyone stumbled on the grass and fell, he was shot immediately. The grass was higher than a person's hips. The women were hung up by their hair; they were stripped, shaken about, and then they hung until they died.

"The following occurred: The Gestapo man, Heine, cut pieces of flesh out of the body of a young boy. Twenty-eight wounds were inflicted upon another. He was cured and worked later in the Death Brigade and was secretly shot.

"Near the kitchen, while lining up for coffee, the hangman, Heine, appeared and asked the first one in the line why he was the first in the line, and he shot him on the spot. In this manner he shot several people, and then he approached those standing further back and asked why is he standing in the last of the line, and shot him also. I saw personally all of these bestialities while staying in the Yanov Camp."

The testimony of the witness Manusevich read by me was fully confirmed by the official report of the Extraordinary State Commission, entitled "Concerning the Crimes Perpetrated by Germans on the Territory of the Lvov District."

Furthermore, Manusevich speaks mainly about the activities of the lower and middle rank officials of the camp administration.

From the report of the Extraordinary Commission you can see that a system of most objectionable insults was perpetrated upon helpless people, which was initiated and organized by the upper ranks of the camp administration, who constantly gave to their subordinates personal examples of extreme brutality. I will not read this document in full, although I beg the Tribunal to pay attention.

I quote from the report of the Extraordinary State Commission, which has already been submitted to the Court under the No. USSR-6. The Tribunal will find this extract on page 58 of the document file on the next side of the page. I quote:

The SS Hauptsturmfuehrer Febauer carried out an inhuman system of destruction in the Janovsky Camp. After his appointment to another position his system was completed by the camp commander SS Obersturmfuehrer Gustav Wilhaus and SS Hauptsturmfuehrer Frank Warzok. A former inmate of the camp told the commission: "I have seen with my own eyes how Captain Fritz Gebauer strangled women and children to death, and froze men in barrels filled with water and the victims hands and feet chained and then they were put in the water. Those condemned to death remained in the barrels until they froze to death."
On the basis of testimonies of numerous Soviet war prisoners and also of French citizens, who were held prisoners in German camps, the fact was established that the German bandits invented the most cunning methods for the annihilation of human beings. They considered initiative as something especially praiseworthy; they were incited by the highest military command office and the German Government.

SS Hauptsturmfuehrer Franz Varzok for instance loved to hang prisoners of war by both feet on sticks and to leave them in this position until they died. Obersturmfuehrer Rokita personally slashed the bellies of prisoners of war. The chairman of the investigation section of the Janovsky camp, Heine, pierced the bodies of war prisoners with sticks or an iron rod; he used to tear out the finger nails of women with pliers, then he stripped his victims, hung them by their hair and let them swing. Then he took shots at the moving targets.

The commandant of the Janovsky camp, Obersturmfuehrer Wilhaus, used to shoot frequently with an automatic rifle from the balcony of his office room at

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the prisoners of war who were employed at the working shops. Sometimes he gave his rifle to his wife, she shot too. This he did partially as a sport, partially for fun. Sometimes in order to give pleasure to his nine-year old daughter he ordered two four-year-old children to be thrown up into the air and then he took pot shots at them, during which time the daughter applauded and yelled, "Papa, papa, do this again. Do this again," and he did it again.

The internees were exterminated without any reason, often on account of a bet. The witness Kirschner informed the investigating commission that Wepke, a Gestapo commissioner, boasted in presence of other camp executioners that he could cut in two a boy with one stroke of an axe. They did not believe him. Then he caught a ten year old boy on the road, forced him to kneel down, ordered him to hide his face in his hands, made one test stroke, put the head of the child in the fitting position, and with one single stroke cut the boy in two. The Hitlerites heartily congratulated Wepke and shook his hand warmly.

In 1943, for Hitler's birthday -- he was 53 years old -- the Commandant of the Janovsky camp, Obersturmfuehrer Wilhaus picked out 54 prisoners of war and shot them himself.

There was a special hospital for prisoners in the camp. The German hangmen Brambauer and Birman looked the patients over on the 1st and 15th day of each month, and if they found patients who were in the hospital already longer than 14 days, they shot them on the spot. Each time during such an investigation, 6 or 7 people were killed.

The Germans executed their tortures, mistreatments and shooting accompanied by music. For this purpose they created a special orchestra of prisoners. They forced Professor Stricks and the well-known conductor Mund to conduct this orchestra. They demanded of composers to write a special tune, which they called the "Tango of Death". Shortly before dissolving the camp the Germans shot all members of the orchestra.

I will present to the Tribunal copies of documents proving the existence of this orchestra.

What took place in the Yanov camp was not in any way anything exceptional. Exactly in the same way the German fascist administration acted in all concentration camps.

I submit to the International Military Tribunal document No. USSR 29. It is the report of the Polish-Soviet Extraordinary Commission for the investigation of

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the crimes perpetrated by the Germans in the extermination camp of Midanic in the City of Lublin. This document is on page 63 of the document file. I quote from Section 3: "Tortures and merciless butchery in the extermination camp." (Page 4, beginning with the last paragraph of the first column of the text).

"The torture methods varied greatly. Some of them were so-called "jokes" which frequently ended with death. Among those were mock-shooting connected with making the victim insensible by hitting him over the head with a large and blunt object, and mock-drownings in the pond of the camp which often ended in actual drowning. Among the German executioners were specialists for particular torture methods. Prisoners were killed by a blow with a rifle butt on the back of the head, by a kick in the stomach or in the groin, or in another manner.

"The SS torturers drowned their victims in the dirty water which was coming from the bathhouse and was flowing in the narrow ditch. The head of the victim was dipped into the dirty water and kept under by the boot of a SS man until death soon came. A favorite method of the Hitler SS was to hang prisoners with their hands bound together behind their back. The Frenchman, Le de Gerautin, who suffered this punishment stated that a man hanged in this manner loses consciousness very soon, whereupon the hanging was interrupted, as soon as consciousness had come back he was hanged again, and this procedure was repeated many times.

"For the smallest offense, particularly because of suspicion of escape, inmates of the camp were hanged by the German devils. In the middle of each section stood a beam with a cross beam 2 meters above the floor, on which the people were hanged. 'I saw from my barrack' said witness Domashev, former camp inmate and Soviet prisoner of war, 'how people were hanged on the beam in the middle of the section.'

"Close to the laundry, in the space between the first and second section, was a special shed with beams on the ceilings where prisoners were hanged in masses.

"These particular atrocities were committed by the female SS personnel, the female chief-guard, Erich, and the female guards Braunstein, Ani David, Weber, Knoblic, Ellert and Radli. The commission established many facts which showed the absolutely unrivalled atrocities committed by the female executioners.

"At the presentation of the committed, Heinz Stalbe stated that he had seen with his own eyes how the director of the crematory, Oberscharfuehrer Mussfield,

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tied the hands and legs of a women, a Polish woman, and threw her alive into the crematory furnace. The witnesses Jelinski and Oleh, who had been working in the camp, also talked out the burning alive of prisoners in the crematory furnaces.

"The witness Atrokhov gave evidence that a child was torn from the breast of its mother and killed in front of her by crushing it against the walls of the barracks. The witness Atrokhov stated how children were taken from their mothers and killed before their eyes when one stood on one leg and tore off the other one.

"The deputy commandant of the camp, SS Oberstrumfuehrer Tumann was particularly hated. He made whole groups of prisoners kneel down and killed them through blows on the head with a rifle-butt. Then he incited Alsation dogs after the prisoners. He participated in all executions and killings of the prisoners.

"Thus hunger, unbearable work, torture, torment, humuliation and murder were used with unheard of sadism as means of mass extermination of the camp inmates."

As a confirming fact that these sophisticated tricks and sadistic crimes were typical not only for the SS or the special police units, but that a state of profound moral deprivation was applied to vast strata of personnel of the armed forces, I will now turn to the contents of the Soviet Foreign Commissar's note. I turn to the contents of Foreign Commissar, USSR, V . M. Molotov's note of the 6th of January 1942, which has already been submitted to the Tribunal as USSR Exhibit No. 51. The quotation which I will now read is on the back side of page 3 of the fourth paragraph of the first column of the text.

There are no bounds to the wrath and indignation aroused among the Soviet population and in the Red Army by the innumerable heinous acts of violence, the foul outrages against woman's honor and the mass killings of Soviet citizens, men and women, perpetrated by the German-Fascist officers and soldiers. Wherever the rule of the German bayonet beings to hold sway, an intolerable regime of bloody terror, agonizing torture and brutal murder is instituted. The robberies everywhere committed by the German officers and soldiers are invariably accompanie by the beating up or murder of tremendous numbers of guiltless people. For failure to deliver up food provisions to the last crumb and of all clothing to the last shirt, the Germans torture and hang old and young, women and children. They beat up and shoot those who do not perform in full the set quota of work at forced labor.

On June 30 the Hitlerite gangsters entered the City of Lvov, and on this very

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next day they started a massacre under the slogan "Kill the Jews and the Poles." After hundred had been put to death the Hitler bandits held an "exhibition" of the victims in an arcade. The mutilated bodies, mostly those of women, were lined up along the house walls. In a conspicuous place of this ghastly "exhibition" they laid the corpse of a woman whose baby had been pinned to her by a bayonet.

Such were the monstrous atrocities of the fascists from the very outset of the war. Wallowing in the blood of the innocent, the Hitlerite ghouls are continuing their dastardly crimes.

In the hamlet of Krasnaya Polyana, in the vicinity of Moscow, on December the 2nd, the German-fascist blackguards assembled all the local inhabitants between the ages of fifteen and sixteen, locked them up in the icy premises of the District Executive Committee building in which all the window panes had been knocked out, and kept them there for eight days without food or drink. The infant children of the women workers of the Krasnaya Polyana factory, A. Zaitseva, T. Gudkina, O. Naletkina and M. Mikhailova, died in the arms of their mothers during this torturous ordeal.

Numerous instances are on record of Soviet children having been used as practice targets by the Hitlerites.

In the Village of Byely Rast, in the Krasnaya Polyana District, a gang of drunken German soldiers put up on the porch of one of the houses as a target twelve-year-old Volodia Tkachev and opened fire on the boy with an automatic rifle. His whole body was riddled with bullets. After that the gangsters began to fire random shots at the windows of houses. They stopped a collective farm woman, I. Mossolova, who was passing by in the street with her three children, and shot her and her children dead right then and there.

In the Village of Voskressenskroye of the Dubinino District the Hitlerties used a three-year-old boy as their target, firing at him with their machine-guns.

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In the district centre of Volovo of the Kursk Region, there the Germans stayed for a space of four hours, a German officer killed the two-year-old son of a woman named Boikova by hitting the child's head against a wall because it was crying.

In the village of Soviet of Zlobin, in the Orel Region, the Fascists killed the two-year-old child of a collective farmer, Kratovs', because his crying disturbed their sleep.

In the Village of Semenovskoye of the Kalinin Region, the Germans bound the arms of Olga Tikhonova, twenty-five year old wife of a Red Army man and mother of three children, who was in the last stage of pregnancy, and raped her. After this outrage the Germans cut her throat, stabbed her in both breasts and sadistically bored them out. In the same village the Germans shot a boy of thirteen and cut out a five-pointed star on his forehead.

In November, the telegram operator of the town of Kalinin, Ivanova, went to visit relatives in the Village of Burashevo, near Kalinin, together with her thirteen-year-old son Leonid. When they left the town they were noticed by some Hitlerites, who began shooting at them from a distance of sixty metres, killing the boy. The mother made several attempts to carry away the child's body, but whenever she tried to do so the Germans opened fire and she had to leave the body there. For eight days the German soldiers would not let her remove the body. It was only removed and buried by the mother when the place was occupied by our troops.

The next victim of the Fascist will be shown in our film. I continue. I pray the Tribunal to pay attention to this picture. In Rostov-on-Don, fifteen year old Vita Cherevichny, a trade school pupil, was playing in the courtyard with his pigeons. Some German soldiers who were passing wanted to take away the birds. The boy protested. The Germans led him away and at the corner of 27th Line and 2nd Maisky-Street shot him for refusing to give up his pigeons. With the heels of their boots the Hitlerites mutilated his face past recognition.

The village of Bassmanovo, Glinka District, Smolensk Region, liberated by our troops early in September, presented a picture of utter ruin, and

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devastation after the German occupation. On the very first day they arrived, the Fascist butchers drove into the fields over 200 schoolboys and girls who had come to the village to help in the harvesting. They sufrounded them and fiendishly shot them all. They abducted to the rear a large group of schoolgirls "for their officers."

The occupation of a town orvillage usually begins with the erection of a gallows on which the German executioners hang the first civilians they lay their hands on. Moreover, they leave the bodies hanging on the gallows for days and even weeks. They do the same with the people they shoot in the street of the towns and villages, leaving the bodies to lie about for days on end.

After the seizure of Kharkov, the German gangsters hanged several people from the windows of a large house in the center of the city. Furthermo offering more, on November 16th, nineteen persons, one of whom was a woman, were hanged there from the balconies of a number of houses. Onemoment, Judge. The fiendish acts of violence committed upon women --

I quote the next step which the Tribunal will find on page 4 of the Document file. I quote:

"Women and young girls are vilely outraged in all the occupied areas. In the Ukrainian village of Borodayevka, Dniepropetrovsk Region, the Fascists violated every one of the women and girls. In the village of Berezovka, Smolensk Region, drunken German soldiers assaulted and carried off with them all women and girls between the ages of sixteen and thirty.

In the City of Smolensk, the German Command opened a brothel for officers in one of the hotels, driving hundreds of women and girls into it, dragging them over the pavement mercilessly by their arms and by their hair.

Wherever they came the German bandits broke into the houses, violated women and girls before the very eyes of their kinfolk and children, jeering at the women they have assaulted, and brutally murdering their victims. In the city of Lvow, 32 women working in a garment factory were attacked, and then murdered by German Storm Troopers. Drunken German soldiers dragged the girls and young women of Lvow into Kosciuszko Park, where they brutally raped them. An old priest, V.I. Ponaznew, who, cross in hand, tried to prevent

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these outrages, was beaten up by the Fascists. They tore off his cassock, singed his beard, and stabbed him to death with their bayonets.

"Near the town of Borissov, in Byelorussia, 75 women and girls who tried to flee at the approach of the German troops fell into their hands. The Germans first raped and then fiendishly murdered 36 of their number. By order of a German officer named Hummer, the soldiers marched L.I. Melchukova, a 16 year old girl, into the forest, where they raped her. Sometime later some other women who had also been dragged into the forest saw the dying Melchukova pinned to the boards by bayonets near some trees. The Germans cut off her breasts in the presence of these women, among whom were V.I. Alperako, and V.H. Bereznikova. On retreating from the Village of Borovki, Zvenigored District, Moscow Region, the Fascists forcibly abducted several women, tearing them away from their little children in spite of their prayers and entreaties.

"In the town of Tikhvin, Leningrad Region, a fifteen year old girl named H. Kolodetskaya, who had been wounded by shell splinters, was taken to a hospital, a former monastery, where there were wounded German soldiers. Despite her injuries, a group of German soldiers raped the girl, who died as a result of the assault."

I am skipping two paragraphs -- no, I am skipping one paragraph, and continue.

"However, the Hitlerites do not stop at the murder of individual Soviet citizens. Among the most appalling atrocities in the history of Hitlerite lawlessness and terrorism on German-occupied Soviet territory are the massacres of Soviet citizens which usually accompany the temporary seizure of Soviet towns, villages and other inhabited centers by the Germans.

"Here are a few instances of bloody mass terror directed against entire villages by the Germans. In Yaskino, a village of the Smolensk Region, the Hitlerites shot all the old men and adolescent boys, and burnt the houses to the ground. In the Village of Pochinok of the same region, the Germans drove all the old men, old women and children into the collective farm office, locked the doors and burnt them all alive. In the Ukrainian

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village of Yemelchino, Zhitomir Region, the Germans locked 68 people into a small hut, and sealed the doors and windows, causing everybody inside to die of asphyxiation. In the village of Yershovo, Zvenigorod District, Moscow Region, now liberated by our troops, the Germans before withdrawing drove about 100 civilians and wounded Red Army men into the church, locked them in and blew up the building. In the village of Agrajenovka, Rostov Region, on November 16, the Fascists arrested the whole male population between the ages of 16 and 70 and shot one out of every three. In the following part of the note we find the pogroms were carried on in Kiev. I will draw attention of the Tribunal that the data and numbers mentioned here aren't here as to actual facts. According to the information supplied to the Extraordinary State Commission, the number of people actually shot was far greater than those mentioned in the report of the State Commission.

I continue on page 4 of the document book, third paragraph:

"Horrible massacres and pogroms were carried out by the German invaders in Kiev, the capital of the Ukraine. In the course of a few days the German bandits tortured and murdered 52,000 men and women, aged people and children, ruthlessly doing to death all Ukrainians, Russians and Jews who in any way displayed their loyalty to the Soviet power. Soviet citizens who succeeded in escaping from Kiev give a blood-curdling picture of one of these mass executions. A large number of Jews, including women and children of all ages, were assembled in the Jewish cemetery. Before shooting them the Germans stripped them naked and then beat them. The first group they marked for execution they made lie down at the bottom of a ditch, face downward, after which they shot them with automatic rifles; then the Germans sprinkled some earth over the dead bodies, made the next batch lie down in a row over the first and shot them in the same way."

I skip a paragraph and continue the quotation. This side of the Nazi crimes will be cited in detail in another part of this statement.

"The bloodthirsty deeds of the Nazis in the town of Rostov have become widely known. During their ten days' stay in Rostov the Germans not only wreaked vengeance on separate individuals and families, but in their blood

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lust annihilated tens and hundreds of inhabitants, especially in the working-class districts of the city. Near the premises of the Railway Board, German machine-gunners shot 48 people in broad daylight. Sixty people were shot by the Hitlerite assassins on the sidewalks of the main street of Rostov. In the Armenian cemetery 200 people were murdered. Even after being expelled from Rostov by our troops, the German generals and officers publicly boasted that they would return to Rostov expressly to settle accounts with the inhabitants, who had actively helped to drive the accursed enemy from their native city."

Upon the personal initiative of the command and officers of the units and formations of the German-Fascist armies, the advancing and retreating movements of their troops were often covered by peaceful citizens and preferably by women, old men and children.

Without commenting, I think it necessary to stress, thus could act only people who had blasphemed and profaned all the laws and usages of war, and were fully accepted in place of the celebrated directive of Keitel to the effect that "Human life in the east is worth exactly nothing."

I quote further extracts from the following Commissars memorandum; page 7 of the document:

"In addition to all that has been stated here, the Soviet Government has in its possession documentary material bearing on the systematically repeated atrocities of the German fascist Command such as the use of Soviet civilians to cover German troops during battle with the Red Army.

"On August 28, 1941, German-fascist troops attempted to force the river Ipput. Powerless to overcome the stubborn resistance put up by the Red Army units, they called together the population of the Byelo-Russian town of Dobrush, Gomel Region, and threatening to shoot those who refused drove women, children and old people before them, using them as a shield as they went into theattack in battle formation.

"The same dastardly crime against the civilian population was repeated by the German Command in the Vybori Collective Farm sector of the Leningrad region and also in the district of Yelna, Smolensk Region. The Fascist

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blackguards continue to resort to this brutal and cowardly artifice right up to the present day. On December 8 the Hitlerites made use of the local civil population to cover their retreat from the village of Yamnoye, Tula Region. On December 12, in that same district, they assembled 120 persons --- old people and children -- and made them go in front of their troops during engagements with the advancing units of the Red Army. In the fighting for the liberation of the city of Kalinin units of the German 303rd Regiment, 162nd Division, attempting to launch a counter-attack, assembled the women of one of the suburban villages, placed them in front of the troops and thus went into action. Fortunately the Soviet troops succeeded in driving a wedge between the Hitlerites and their victims in beating off the attack, thus saving the lives of the women."

In order to satisfy the needs of the German-fascist Armies, and in violation of all international conventions, the criminals clothed in the uniform of Hitlerites field officers utilized the civil population for especially dangerous work, such as clearing the mine fields.

I will quote an extract from the second part of this memorandum, whcih the Tribunal will find on page 2 of the document book, 4th paragraph. I quote:

"Wherever German troops and German authorities have made their appearance on Soviet territory, a regime of brutal exploitation, tyranny and arbitrary rule has immediately been established over the defenceless civil population."

I skip a sentence and continue:

"Disregarding age or state of health, and compel them, under threat of torture shooting or death by starvation, to perform gratuitously various kinds of arduous labour, including work of a military nature. In a number of cases, civilians employed on one or another job of a military nature have been summarily shot to ensure secrecy.

"Thus, for instance, in the village of Kolpino, Smolensk Region, the invaders drove all the farmers to work on building bridges and dugouts for German units. Upon the completion of the fortifications, all these farmers were shot.

THE PRESIDENT: Perhaps that would be a good time to break off:

(The Tribunal adjourned until 15 February, 1946, at 1000 hours.)